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This volume was prepared and edited by authority of the State of New Jersey, at the request of the New Jersey Historical Society, and under the direction of the following Committee of the Society:

Nathaniel Niles, *Ch'n*,
William Nelson,
Garret D. W. Vroom,
Frederick W. Ricord,
William S. Stryker.

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Gentlemen of the Council
and Assembly.

The support of the Government was so lately Settled, and for so short a time, that it Seames needless for me to tell You, that it is now Expired, or to recommend to You the makeing a Suitable provision for that purpose.

Your knowledge of the necessity that such provision should be made, and your own Just inclinations to make it, I believe are Sufficient inducements to You, to do what is proper, & in the most agreable manner on this occasion and I perswade my self are (as they Should be) motives so Strong as to make any thing I can say on that head Superfluous to men well disposed.

I Should be very Glad to meet You frequently to receive your good advice for the regulation of my own Conduct as well as that of others, & to have often an opportunity of assenting to such Laws for the common benefit as are truly worthy of the expence of the publick money such often meetings will occasion.

The ammending of Laws now in force, where experience has discovered their defects, is not less necessary than the forming of new ones when wanted, and in both cases, great care should be taken in the composing of them, So as truly to make them answer the Ends intended by them, and as far as may be to prevent any neglect or failure in the due execution of them; and that the Justice intended by them should not be obtained at an expence more grievous to those who will be concerned to apply for it, than would be felt by the want of it.

I must again recommend to You the same things I did in the last Sessions at amboy as matters worthy of your Consideration. I shall add to what I then mentioned, that Some measures should be taken that the Publick Roads and bridges may be kept in better condition and repair than for some time past they have been.

Gentlemen

The true End of your meeting is to do every thing in your power conducive to the publick happiness and welfare, & I hope such a temper and agreement will be cultivated and preserved between You that the good purposes of your comeing together may not by any means be defeated.

Lewis Morris

SPEECH OF GOVERNOR LEWIS MORRIS, 1742. (Full size; fac-simile from the original in possession of William Nelson).

DOCUMENTS

RELATING TO THE

COLONIAL HISTORY

OF THE

STATE OF NEW JERSEY.

EDITED BY

FREDERICK W. RICORD and WM. NELSON.

VOLUME XV.

JOURNAL OF THE GOVERNOR AND COUNCIL.

VOL. III. 1738—1748.

TRENTON, N. J.:
THE JOHN L. MURPHY PUBLISHING CO., PRINTERS.
1891.

ERRATA AND ADDENDA.

1136407

[NOTE.—This volume, like Vol. XIV, and the latter part of Vol. XIII, is printed from a copy of the copy in the Public Record Office in London; the printed sheets have been carefully compared with the copy in London, and the following deviations noted. The words in brackets in the printed volume have been supplied by the editors.]

PAGE 12.—After line 15 from top, insert "Mr. Schuyler prayed Leave to be absent till Monday next which was Granted."
" 24.—Line 6 from bottom, for "Zinger" read "Zenger."
" 31.—Line 5 from bottom, for "the Act" read "an Act."
" 32.—Line 5 from bottom, for "Rotiticus" read "Roxiticus."
" 44.—Line 14 from top, for "the Province" read "this Province."
" 44.—Line 14 from bottom, for "Hillstone" read "Millstone" (as in brackets).
" 50.—Line 13 from bottom, for "was" read "were."
" 66.—Line 13 from bottom, for "most" read "meant."
" 72.—For "£1053" read "£1083."
" 83.—Line 13 from bottom, insert "If" at beginning of line.
" 91.—Line 13 from bottom, for "be so" read "to be."
" 97.—Line 14 from top, for "Johnathon" read "Jonathan."
" 106.—Line 8 from top, insert "to be" at beginning of line.
" 116.—Line 2 from bottom, omit "names to take."
" 117.—Line 10 from top, for "Attle" read "Attlee."
" 117.—Line 17 from top, for "Barlow" read "Bartow."
" 125.—Line 6 from top, after "plantiff" insert "having."
" 132.—Line 9 from top, for "the" read "that."
" 156.—Line 2 from bottom, for "in" read "up."
" 182.—Line 17 from bottom, for "Reading" read "Rodman" (as in brackets).
" 184.—Line 17 from bottom, for "£15" read "£75."
" 188.—Line 15 from bottom, for "the Act" read "the said Act."
" 190.—Line 11 from top, for "had" read "has."
" 192.—Line 7 from top, for "loaded" read "landed."
" 200.—Line 5 from bottom, for "required" read "requires."
" 204.—Line 9 from top, for "of doing" read "to do."
" 206.—After line 12 from top, insert "John Reading."
" 209.—Line 2 from top, for "Debts" read "Deeds."
" 212.—After line 14 from bottom, insert "The bill entitled an Act to prevent any Action under Fifteen Pounds being brought into the Supreme Court, was read a Second time and comitted to the Gentlemen of the Council or any three of them."
" 218.—Line 3 from bottom, for "7br 18th" read "ye 13th."
" 225.—Line 4 from bottom, for "by" read "but."
" 227.—Line 15 from top, for "Majesty" read "Excellency," and for "had" read "has."
" 227.—Line 5 from bottom, for "an Action" read "any Action."
" 241.—Line 11 from bottom, for "Brudnelb" read "Brudnell."
" 244.—Last line, for "20th" read "28th."
" 246.—Line 3 from top, before "October" insert "on the 16th day of."
Omit line 4 from top.

PAGE 261.—Line 22 from bottom, for "at their Report" read "as then Reported."
Line 14 from bottom, for "Division" read "Counties."
" 263.—Line 10 from top, after "Bills" insert "now in his hands for Bills."
" 264.—Line 3 from bottom, for "Four" read "Five."
" 267.—Line 2 from top, for "the" read "this."
" 270.—Line 6 from bottom, for "mean" read "men."
" 271.—Line 8 from top, after "from" insert "us."
" 277.—Line 12 from bottom, after "make" insert "use."
" 287.—Line 6 from top, after "time" insert "and."
" 300.—Line 6 from top, for "Trows" read "Scows" (as in brackets).
" 313.—Line 18 from bottom, for "Or [do?] direct" read "Ordered."
" 314.—Line 5 from bottom, for "Preference" read "Presence."
" 317.—Last line, for "Notes" read "Votes."
" 318.—Line 16 from bottom, at end of line insert "wrote."
" 321.—Line 18 from bottom, for "that" read "what."
" 349.—Line 7 from bottom, for "Saturday" read "Tuesday."
" 359.—Lines 16 and 15 from bottom, for "Blackfriars" read "Blackbirds."
" 363.—Line 10 from top, for "973" read "1973."
" 364.—Line 7 from top, for "messages" read "Arrearages."
Line 14 from top, in right-hand column, for "43, 15, 5¼" read "43, 18, 5¼."
" 367.—Line 6 from top, for "discourage" read "encourage."
" 397.—Line 9 from top, for "Letters" read "Settlers."
" 398.—Line 6 from top, for "to" (at end of line) read "by."
Line 17 from bottom, for "or" read "an."
" 400.—Line 10 from bottom, omit "very."
" 403.—Line 9 from bottom, for "had" read "have."
" 406.—Line 13 from bottom, for "Courses" read "Causes."
" 417.—Line 7 from top, for "nor" read "neither."
" 419.—At end of first line, add "and it will appear by those Journals what return they made for that favour."
" 420.—Line 6 from top, for "did" read "that."
" 426.—Second line from bottom, after "this" insert "seems by this."
" 430.—Line 11 from top, should read "Order Vote &c made."
" 431.—Line 16 from top, for "untrue" read "intire."
" 434.—Line 7 from bottom, for "rather" read "neither."
" 440.—Line 5 from top, for "of" read "for."
" 446.—Line 9 from bottom, after "Amuse and" insert "the true State of the Case, is, that you are determined not to Support the Government."
" 469.—Last line, for "Bedford" read "Redford."
" 462.—Line 14 from top, for "New Jersey" read "New York."
" 478.—Line 6 from bottom, for "whom" read "when."
" 482.—Line 4 from top, for "added" read "ordered."
" 487.—Line 5 from top, for "Alexander" read "Hamilton."
" 489.—Line 12 from top, for "payment" read "Support."
" 491.—Insert, as line 4 from bottom, "John Coxe."
" 492.—Insert, as line 7 from top, "John Coxe."
" 497.—Line 19 from top, for "27th" read "25th."
" 499.—Line 5 from bottom, for "Six" read "Sick."
" 503.—Line 3 from bottom, for "Matters" read "Measures."
" 505.—Line 11 from top, for "to" read "by."
" 523.—Line 3 from bottom, for "prevent" read "present."
" 532.—Line 18 from top, for "Canse" read "Canoe."
" 554.—Line 6 from bottom, should read "am with all dutiful Regard your Excellency's most Obedient."
" 563.—Line 9 from top, for "Burgoons" read "Burgoon."
" 564.—Line 13 from top, for "Blains" read "Blain."

PAGE 586.—Line 7 from top for "disappears" read "appears."
" 591.—Line 9 from top, for "20th" read "28th."
Line 3 from bottom, for "A. S." in margin read "A. 8."
" 592.—Line 6 from bottom, insert "28, 5." in margin, and move "A No 29" up to line 7 from bottom.
" 606.—For "Londerbouch" read "Louderbouch."
" 609.—Line 19 from top, for "Reported" read "Repeated."
" 615.—Line 10 from bottom, for "Repeated" read "Repealed."
" 625.—Line 21 from top, in first column, for "39" read "38."

Proceedings of the Council,[1]

at a Sessions of the General Assembly,

Begun at Perth Amboy on the 26th of October last and being Adjourned to this day.

November 13th 1738

Present

John Hamilton
R. Hunter Morris } Esqrs
Fenwick Lyell

A Message was Sent to his Excellency the Governour by Robert Hunter Morris Esqr that a Quorum of the Council were met at the Council Chamber Agreeable to his Excellency's Summons and had Adjourned Themselves till to Morrow When they should meet and be ready to receive His Excellency's directions.

Tuesday November 14th

Present

John Hamilton
John Rodman
Richard Smith } Esqrs
R. Hunter Morris
Fenwick Lyell

[1] As stated by the Governor on page 4, the Council now met for the first time as a distinct body, separate and apart from the Assembly, as well as from the Governor. Lewis Morris enjoyed the distinction of being the first Governor appointed by the Crown exclusively for New Jersey, receiving his commission August 26th, 1738.

And adjourned to

Wednesday November 15th

Present

John Hamilton, John Reading, Cornelius Vanhorn } Esqrs

John Rodman, Richard Smith, R. Hunter Morris, Fenwick Lyell } Esqrs

His Excellency Lewis Morris Esqr came to the Council Chamber and having sent for the House of Representatives and they attending He was Pleased to make the Following Speech—

Gentlemen of the Council and Assembly

It is with great pleasure I meet this first General Assembly of the Province of New Jersey by his Majesty now made Independent on the Governour of New York. This has been a favour so great in its kind and so long and Earnestly desired by the Inhabitants that I Perswade myself it will meet with all the gratefull returns in the Power of a People who are so particularly obliged by it and who are to Reap all the Benefits that such an Indulgence must naturaly produce.

His Majesty isteems it his greatest Glory to make all His Subjects as happy as their Circumstances will Admit Him to do and His Royal Goodness in granting your request shews that the remotest of His Subjects as well as those under His more immediate Administration are equally the objects of his Royal Care and I doubt not will produce in you Sentiments Suitable to the Opportunity, you now have (almost beyond your Expectation) given you to Express in the most Propper and Agreeable Manner.

Gentlemen of the Assembly

The duty of my Station obliges me to Acquaint you that the Support of the Government has been for some time Expired and it is necessary that Proper Provision be made for it. I have been often a Witness of the Willingness and

readyness of the Assemblies of this Province to Support his Majesty's Government over them when Administred by the Governour of New York, and when they Conceived the Exercise of it by Such a Person not wholly Consistant with the Intrest of the Inhabitants.

This gave rise to the Petitions Presented to His Majesty for the alteration now made in their Favour. In which they affirmed that they were Equally Willing and able to Support a Distinct Governour with Divers of the Neighbouring Colonies who enjoyed that Priviledge under His Majesty.

This has been on[e] Inducement to gain the request, made unto him and as a farther Instance of his Royal Goodness Appointed a Person well known to you, and whose Conduct in a Station amongst you not verry different from the Present you have More than once had Experience of.

His Majesty having been Pleased to Grant the Prayer of the Petitions I believe you will think it a duty Incumbent on you to make good on your part The assurances Given in order to obtain the favour Desired, and I will make no Doubt but that your Deeds will Correspond with your words in raising such an ample Support for this Government in such a Manner and for so long a duration as will be adequate to the Occasion you now have of doing of it. This being the most Likely method to Induce his Majesty to Continue the Favours already Granted and to make further Additions to them.

M[r] Speaker.

When I recommend the raising of a Support for the Government I would not be understood to mean only a Salary for the Governour which is but a part of the Support, but also the Salaries of Other Officers and a Suitable Provision for Necessary and Contingent Charges without which the Government cannot well be Administred.

When the Provision for the Officers of the Government fall under your Consideration I would recommend to you to Distinguish between the Officers and the Office, and not to

suffer the ill Conduct of an Officer to be any Inducement to you to Destroy the office or lessen the Provision Necessary for the Support of a Necessary Officer, and thereby lay him under the Temptation of takeing unbecomeing Meathods to Support himself

The fitness or unfitness, good or ill Behaviour of an Officer when Known to me will be a Sufficient Motive to me to Continue or Displace him, And if the Conduct of any of them have been Such as Deserves Your Censure, I shall verry much regard your Complaints, which I Persuade my Self you Will take Care shall be always founded upon the Truth, made only with a View to the Publick Good and Intirely free from Partiality or any Influance to Private Resentment

Gentlemen of the Council

You are now met for the first Time as a Seperate and distinct part from the Governour and General Assembly of the Legislature of this Province. Your own Knowledge and Experience makes it needless for me to Say much Particularly to you on that head. I Assure my Self you have so great a Regard to the Preservation of His Majesty's Royal Prerogitiv[e] and the Just Liberties of the Inhabitants of this Province (both absolutely necessary to be kept Intire) that you will Consent to no Bills that Seem to you to have the least Tendency to distroy or Impair either.

You are also Appointed to be Councelours to the Governour, verry much Joined, in the Administration, your advice in all Cases Convenient and in Some Necessary, which I shall on all Occasions Gladly receive

I Cannot [too?] Gratefully acknowledge the Honour His Majesty has done me in appointing me to Govern This Province, and I am not Insensible how Unequal I shall be to the Task without your friendly and Sincere Assistance upon which I verry much depend, and therefore hope that in Council you will freely Speak your Sentiments, and that none of you will recommend any Person to me to be Continued or made an Officer in the Government of whose Probity, good

Moral, Fitness Sufficiency and firm Attachment to the Present Illustrious Reigning family you are not verry well assured

I Know you Can so verry well distinguish between Authoritative and Prudential Advice as to give either of them properly and both of them in so agreeable a manner as to be attended with the most Suitable Effect.

Gentlemen of the Council and Assembly

I find a Saying very much obtain, that if the Governour will Give the people good Laws, They will Support the Government; This Supposes The Governours makeing of those Laws (Viz^{t} Such as People think so) to be a Condition preceedent to their giveing a Support and Expressed in other Terms means no more, than if the Governour will do his Duty the Assembly will do theirs, and imply's a Negative, That if the Governour does not do what they Conceive his duty the Assembly will not do theirs, Supposing a Neglect or failiour on his part a Sufficient Justification, for the like Conduct on theirs

Was a Governour the sole Legislator, or Law giver, and Laws like other Commodities to be purchased in Open Market, what is Said would appear More reasonable than the Present Circumstances of Things Will admit to do but then the Consequence would be that every Law must be paid for, and the more it was Wanted or Desired the Higher would be the Price.

How much a Governour may be pleased with Such a Situation of things, I Can hardly think the Governed will (if they Rightly Consider it) Think Such Circumstances elegible.

Good Laws Generally take their rise from ill Practices and are made to Prevent the Like for the future. Some times from well grounded views of Publick benifit to arise by them, and it is the true Interest of the of the Chief Magistrate, not only to assent to Such but to Propose them himself, when he sees the Necessity or Convenience of them such Laws (when well Executed) are the real and true Support of all Government, which must Soon sink into Contempt with-

out them To suppose that a Governour will deny his Assent to laws of this Kind when truly and properly penned, Solely to answer such ends, and not Clogg'd with Claus's of a different Intention is Supposing that he will Act against His own Intrest, as well as that of the Community, which Governours (fit for such a Trust) have Seldom been observed to do.

The passing of good and Necessary Laws and the raising mony for the Publick Service, Sufficient to Support the Government in all its [branches?] I take to be equally duties, each Independent of the other and the last as much for the true Intrest of the Community as the first; for unless the Dignity of the Magestracy be Supported Suitably to their Several Stations they can hardly escape falling into Contempt, and being so will be rendered unable to put any Laws duly in Execution or to be Laid under Strong Temptations of having recourse to violent Measures, or the use of unbecomeing arts to Support themselves; in all which Cases Magestracy and Laws Intended to Promote the good of the whole are Rendered inadequate to or destructive of the ends for which they were made.

More than this is needless for me to say on this head to men who so well understand the Nature of things, and I believe come to this Meeting with Strong Inclinations and Sincere Intentions to do every thing in their Power Conducive to the Publick good as that ought to be the only thing in View, if in your Debates Concerning the meathods most Proper to Promote, you Preserve a Calmness and Temper Suitable to the Occasion, you will then have the full use of that reason God has Blessed you with and your Indeavours then most likely to be attended with Success.

The making Laws for the discouragement of Vice Immorality and Profaneness have been Common Topicks of recommendation, and even when Confined to the Narow Limits of Prophane Swearing, Cursing Drunkenness Lewdness, Indecent and unfit behaviour in Places and Times appropriated for the divine Worship has not been Without it's use and would have been more beneficial to the Publick if the Pecuniary Mulcts laid on them had been applyed to

the purposes directed by the Law in Such Cases, which if I am Rightly Informed, has not been done, and if so Care should be taken to Prevent any Misapplication for the future, But Vice and Immorality are words which may admit of a much Larger Signification, extending to men in all the relations they stand in to each other or the Publick. Any Thing Knowingly done to the Hurt or Prejudice of another being Contrary to the rules of Morality, and to prevent ill actions, and to make men better and Wiser, at least to hinder them from Growing Worse is or Should be the Intention of all humane Laws.

It is the Business of Courts of Judicature to Enquire Into Offences of every kind, and Give relief to those who apply to them, and proper Punishment to the Offenders: but it is y^e^ business of the Legislature by Suitable Laws to enable and oblige them to do this Effectually

It is a hard matter to mend a bad world, but the hindering Men from Growing Worse than they are is no Small Step towards it And Laws Suitable made to Punnish frauds and abuses of every Kind, so much, and I fear so Justly Complained of, is the Human means In the Power of the Legislature to prevent their being Committed for the future.

All the Moral Virtues Seem to [be] Comprised under the Terms of Justice and Honesty, and it is God only Can make men so: But it is the Business of the Legislature to make it Dangerous for men to be otherwise Great Care Should be taken that all the Commodities Exported from this Province to other Markits should be good in their kind, and that no fraud should be used in the Manufactureing or in the Contents of the Casks or other vessells in which they are brought to a Market this may be Expensive to us, I am Perswaded that the Benefit of the reputation we may acquire by it will more than Counterwait that Charge; and I am of opinion that the more direct you made your Importations the Better for the whole, which only should have weight with You.

The Methods of Obtaining Publick Justice ought to be made plain and easy, and not Loaded with an Expence mor

difficult to bear than the wrongs Indeavoured to be redressed by it that so the poor may have No reason to dispair of meeting with all the relief they are Intiteled to as well as the Rich, all Trick Chicane of Impudent and knavish Pretenders to Law ought to be discouraged; on the other side Officers concerned in the Administration of Justice should be well and Suitably provided for, according to your ability, that they need not be under any Temptation of useing Methods unbecomeing their Character to Provide for themselves: The Ministerial Officers should be kept Strictly to their duties, and the bounds of it made so certain and plain that they Could not Ignorantly Transgress. Such of the Statutes of England not Declarative of the Common law wherein the Plantations are not Named and which may admit of a Debate wether they Extend or not if the reasons of them Extends and is fit for you, it would not be amiss to Enact the like here.

You never had so favourable an Opportunity as the Present to raise the drooping head of this Province, and make it as happy as a Concurance of good Circumstances will admit, your Prudence may direct you to make the best of it and not Suffer it to be Irretreiveably lost

I shall very readily assent to all bills fit for me and in my Power to assent unto that you shall agree to Present for that purpose, and Others you will not I hope propose But as I would not blindly assent to any bill without knowing both wether I may, and wether it is fit for me to do if I might, Coppies Should be given of all Bills passed by either House that they may be considered of.

The Alternate Sitting of Assemblies at Amboy and Burlington and keeping the Secretary's office in two Places so remote from each other is a Peculiarity in this Province (different I think from any other on the Continent under his Majesty's Government, and some think tends much to keep up both the Name of Division and the thing, as you are now become Intirely a Seperate Government and in all Probability likely to Continue so, if it be not your own faults, there will be a Necessity of makeing Suitable Provision for

a Governour, and Conveniencies prepared for his dwelling and Houses for the meetings of the Assembly Council and Courts not far distant from the place that shall be appointed for his abode, in the doing of which The Public good and Conveniency, and not the private advantage or Benefit of any Person or men should solely Influence your debates

What Endeavours have been used and proposals made in this Province [to] Obtain a Distinct Governour from that of New York, you or Some of you I beleive well know.

The thing is done and at No Small Expence, which I perswade myself it will be duly Considered of by You

LEWIS MORRIS

Then the House adjourned to

Thursday November 16th 1738 A. M.

Present

John Hamilton Pr	Esqrs	Richard Smith	Esqrs
John Reading		R. Lettice Hooper	
Corns Vanhorn		R. Hunter Morris	
Jno Rodman		Fenwick Lyell	

His Excellency's Speech delivered yesterday was Read the first Time and Ordered to be read a Second time.

Ordered that the Clerk do write letters to the absent members requireing their attendance.

Then the House adjourned to the afternoon

When his Excellency's Speech pursuant to the order of the Forenoon was read a Second time and ordered to be read a third time.

Then the House Adjourned to

Friday November 17th

Present

John Hamilton Pr	Esqrs	John Rodman	Esqrs
John Reading		Richard Smith	
Corn. Vanhorn		R. Hunter Morris	
		Fenwick Lyell	

His Excellency's Speech pursuant to the order of yesterday was read a third time, and being taken into Consideration it was

Resolved Nem: Con: That an humble address be drawn up to his Excellency for his favourable speech, and that M^r^ Rodman M^r^ Hooper and M^r^ Lyell, be a Committee to prepare the Same and lay it before the House.

The Clerk reported, That in Obedience to the order of yesterday he had wrote to the Following Gentlemen Members of this House viz^t^ James Alexander, William Provost, and J^no^ Schuyler Esq^r^ M^r^ Morris Moved The House for Leave to bring a Bill to Oblige the Several Sherriffs &^ca^ to give in Sufficient Security for the due Execution of their offices.

Ordered that M^r^ Morris have Leave to bring a bill Accordingly—Ordered that M^r^ Reading & M^r^ Vanhorn have Leave in persuance of their request to be absent till Tuesday next.

Then the House Adjourned to

Saturday November 18^th^

Present

John Hamilton P^r^
John Rodman
R: Smith
R. Hunter Morris
Fenwick Lyell
} Esq^rs^

This House apprehending they may have Occasion for a Serjant at Arms

Ordered that M^r^ Morris do apply to his Excellency, & Desire of Him that He will be pleased to appoint one of the Kings Serjants at Arms to attend the House.

Then the House adjourned to

Munday November 20th

Present

John Hamilton Pr
John Rodman
Richard Smith
R. Hunter Morris
Fenwick Lyell
} Esqrs

Robert Hunter Morris Esqr reported that in Obedience to the order of Saturday he had applyed to his Excellency who was Pleased to Answer that he would appoint one of his Majestys Serjants at Arms to attend this House.

Resolved Nem : Con : That this House address his Majesty for his royal favour in having Granted the Powers of Government Seperate from that of New York to his Excellency Lewis Morris Esqr

Then the House adjourned to

Tuesday November 21st

Present

John Hamilton Pr
John Schuyler
John Rodman
} Esqrs

Richard Smith
R. Hunter Morris
Fenwick Lyell
} Esqrs

Mr Cook and Mr Benjamin Smith brought a Message from the House of Assembly Signifying that they had resolved humbly To Address and Thank His Majesty for his many favours, and Particularly for appointing this Province a distinct Governour; and that they had appointed a Committee to draw up the sd Address, and Ordered That this House should be applyed to Joyn therein.

Ordered that Mr Smith Mr Morris and Mr Lyell be a Committee to Join a Committee of the House of Assembly for the purpose above mentioned, and Mr Rodman do Acquaint the House of Assembly therewith.

John Rodman reported he had Obeyed the above Order

Then the House Adjourned to

Wednesday November 22d

Present

John Schuyler, John Rodman } Esqrs

John Hamilton Pr, Richard Smith, Fenwick Lyell } Esqrs

This House taking into Consideration that Several Committees are by them Appointed to Several purposes do for the dispatch of the Same Adjourn to

Thursday November 23d 1738

Present

John Hamilton Pr, John Schuyler, John Rodman } Esqrs

Richard Smith, R. Hunter Morris, Fenwick Lyell } Esqrs

Mr Hamilton prayed Leave to be absent till Tuesday next which was Granted.

Then the House Adjourned to

Friday November 24th

Adjourned to

Munday November 27th

Adjourned to Tuesday November 28th

Present

John Rodman Pr, Richard Smith, R. Lettice Hooper, Fenwick Lyell } Esqrs

Message from the House of Assembly by Mr Vanbuskirk and Mr Hancock desiring that this House will appoint a Committee to Joyn a Committee of that House to Examine the Treasures accompts

Ordered that Mr Reading, Mr Rodman, and Mr Morris be a Committee accordingly, and that Mr Lyell do acquaint the House of Assembly therewith

Then the House adjourned to

Wednesday November 29th

Present

John Reading, William Provoost, John Rodman } Esqrs

Richard Smith, R: Lettice Hooper, R: Hunter Morris, Fenwick Lyell } Esqrs

Mr Lyell reported that in obedience to the order of yesterday, he had Acquainted the House of Assembly that This House had appointed a Committee of that House to Examine the Treasure's accompts.

Ordered that the said Committee have power to send for Persons Papers and Records.

Then the House adjourned to

Thursday November 30th

Adjourned to

Friday December 1st

Adjourned to

Saterday December 2d

Adjourned to

Munday December 4th

Adjourned to

Tuesday December 5th

Present

William Provoost Pr, John Rodman, Richard Smith, R: Lettice Hooper, Fenwick Lyell } Esqrs

Mr Lyell moved for leave to bring in a Bill for the Reduction of Intrest.

Ordered that Mr Lyell have leave to bring in a Bill accordingly.

Then the House adjourned to

Wednesday December 6th

Present

William Provoost Pr, John Rodman, Richard Smith } Esqrs
R: Lettice Hooper, R: Hunter Morris, Fenwick Lyell } Esqrs

Mr Morris moved the House that the Paragraph in His Excellency's speech relating to the fixing the Seat of Government &ca be taken into Consideration, which being put to the vote passed in the affirmative

The House being under Difficulties by the non Attendance of severl of their Members.

Ordered That Mr Morris and Mr Lyell do waite on His Excellency and desire he will please to communicate to this House such part of His Instructions as relates to the Attendance of the Members thereof.

Then the House adjourned to

Thursday December 7th

Present

William Provoost Pr, John Rodman, Richd Smith, Ro: Lettice Hooper, Fenwick Lyell } Esqrs

Mr Lyell reported That in obedience to the order of yesterday Mr Morris and He had waited on His Excellency who was pleased to tell them He would Communicate to this

House such Instructions as related to the attendance of their Members.

Then the House adjourned to

Friday December 8th

Present

William Provoost Pr, John Rodman, Richard Smith, Ro: Hunter Morris, Fenwick Lyell } Esqrs

Mr Morris prayed leave of the House to be absent till Tuesday next which was granted

Then the House adjourned to

Saterday December 9th

Adjourned to

Munday December 11th

Adjourned to

Tuesday December 12th

Adjourned to

Wednesday December 13th

Adjourned to

Thursday December 14th

Mr Provoost prayed leave of the House to be absent for a week which was granted.

Then the House Adjourned to

Friday December 15th

Present

John Hamilton, John Reading, Cornrs Vanhorne } Esqrs

John Rodman, Richd Smith, R: Lettice Hooper } Esqrs

Resolved That M^r^ Vanhorne be added to the Committee appoint^d^ to examine the Treasures accompts

M^r^ Demont and M^r^ Vanest from the House of Assembly presented for the Concurrence of this House a Bill entitled an Act for the Building a Town House and Goal in the County of Somerset, which was read the first time, and ordered a Second reading

Then the House adjourned to

Saterday December 16^th^

Present

John Hamilton P^r^, John Reading, Corn: Vanhorne } Esq^rs^

John Rodman, Rich^d^ Smith, R: Lettice Hooper, Ro: Hunter Morris } Esq^rs^

The Bill entitled an Act for the Building a Town House and Goal in the County of Somerset was read a Second time, and committed to M^r^ Vanhorne M^r^ Rodman and M^r^ Hooper.

M^r^ Ogden and M^r^ Stacy from the House of Assembly presented for the Concurrence of this House a Bill entitled an Act for the Tryal and Punishm^t^ of Petty Lacerny under the value of Five shillings, which was read the first time and ordered a Second Reading.

His Excellency came to the Council Chamber and received the address of the House of Assembly then attending for that purpose.

Then the House adjourned to

Munday December 18^th^

Present

John Hamilton P^r^, John Reading, John Rodman } Esq^rs^

Richard Smith, R: Hunter Morris, Fenwick Lyell } Esq^rs^

Mr Lyell from the Committee Appointed to draw up an address to his Excellency reported That they had accordingly made a Draught thereof which he laid before the House, and the same was read, and ordered to be read again to morrow

The Bill entitled an Act for the Tryal and Punishment of Persons guilty of Petty Larcenies under the value of Five Shillings was read a Second time and ordered to lie upon the Table for the Consideration of the Members

Ordered That Mr Attorney General attend this House to morrow and that the Clerk do waite on him with the said order

Then the House adjourned to

Tuesday December 19th Present

John Hamilton, John Reading, John Rodman } Esqrs
Richard Smith, R: Hunter Morris, Fenwick Lyell } Esqrs

Mr Attorney General attending according to order, He was called in, and the Bill entitled An Act for the Tryal and Punishment of persons guilty of Petty Larcenies under the value of Five Shillings was delivered Him, which he was desired to take into Consideration and to report to this House, how far it was in his opinion agreeable to the Laws of England.

The draught of an address to His Excellency was read a Second time and approved of by the House and ordered to be engrossed.

Then the House adjourned to

Wednesday December 20th

Present

John Hamilton Pr, John Reading, Corns Vanhorne } Esqrs
John Rodman, Richard Smith, R: Hunter Morris, Fenwick Lyell } Esqrs

The Clerk according to order laid before the House the address to His Excellency engrossed which was read and signed by order of the House John Hamilton Esq^{r}

Ordered That M^{r} Morris and M^{r} Lyell do waite on His Excell^{y} and acquaint him that this House has agreed on an address to him, and desire to know when and where he will be pleased to receive the same.

M^{r} Morris reported that he had waited on his Excellency, who was pleased to say, he would receive the address at his house immediately.

The House accordingly waited on His Excellency and presented their address in these words

To His Excellency Lewis Morris Esq^{r} Captain General, and Govern^{r} in Chief, in and over His Majesty's Province of Nova Cæsarea or New Jersey, and Territories thereon depending in America; and; Vice Admiral in the same &^{ca}

The Humble address of His Majesty's Council of the Province afores^{d}

Sir—

It is with the greatest Pleasure That we meet your Excellency (at this General Assembly) by His Majesty appointed Captain General, and Governour in Chief of this His seperate Province of New Jersey; and we heartily congratulate you thereon

The Inconveniences and difficulties which this Province laboured under, from it's dependancy on the Governour of New York, were numerous well known to you, and gave Rise to the several Petitions of it's Inhabitants in their different Stations, to his Majesty to grant them the Favour they have now received; a Favour truly great, but agreeable to his Majesty's known Goodness, and that Indulgence which he as a Common Father never fails to shew even to the remotest of His Subjects, and which at every oppertunity justly claims from us all the gratefull acknowledgements due from a most Loyal and dutyfull People

Permit us to say that His Majesty's Goodness has even exceeded our requests in appointing your Excellency to this Station, who are well known to us whose Intrest is inseparable from our own, and who from your Constant and just discharge of the several Trusts, and Confidences reposed in you by His Majesty in your several former Stations, are most acceptable and agreeable to us, and from whose exact knowledge of the Constitution of an English Government and the Circumstances of this Province in particular, We may not only expect a just Regulation in the Administration, but may hope to see Trade and Commerce flourish amongst us.

We are now met a Separate, and distinct part of the Legislature of this Province; such as we humbly conceive, His Majesty always intended we should be, Your Excellency is doubtless persuaded of the right of We have to that State of Liberty, and of the ill consequences which have ever attended and again may attend a Governour's presiding, and voting amongst us in a Legislative Capacity, a Practice heretofore used. We doubt not that the Present Example will obtain for the future, and that our Behaviour will evince we have a Just Regard to the Preservation of His Majesty's Royal Prerogative and to the Liberties of the Inhabitants of this Province, both absolutely necessary to be kept intire.

We assure your Excellency, that in all Cases wherein it shall be required, we will with Honesty, Sincerity and Freedom give you our advice, and heartily endeavour as much as in us lies, that your Administration may be easy to you, and conducive to the Prosperity of the Province; and as that may in some measure depend on the Fitness of the Persons to their several offices, and their Firm attachment to the present illustrious Reigning Family, we shall not recommend any Person either to be made or continued an officer whom we shall not be well assured to be so qualified. Then we promise our selves, that our Advice will be both agreeable, and attended with a Suitable Effect

We are, and we think every Body must be perswaded of the necessity and order of Government, That its ends and

designs are for the gen^{l} good of the Community, and that the Governm^{t} cannot be supported but at a Charge and Expence, which they must be at who are members of the Community, and receive the benefits thereof, your Excellency's Station is a principal part in the Constitution, and without which good and Necessary Laws neither can be enacted nor administred Your Inclinations, and the duty of your office will naturally lead you to assent to such Laws as shall be proposed, and which you shall Conceive to be for the advantage of those under your Government, not Derogatory of His Majesty's Royal Prerogative. We assure your Excellency, That we are wholly disposed to consult His majesty's service and the Intrest of the Province, and shall not on our part knowingly offer you any Act for your assent, but such as we shall conceive to be fit for it, and according to our Duty, and our former Engagements to his Majesty (which we esteem as Sacred) We will Honourably support this His Government in all its parts, as far as we can, so only, the good of the whole may be obtained, and they who are appointed to administer that Good be placed above Contempt or the Temptation of having Recourse to unbecoming Arts to support themselves, a mutual Confidence be established, and We humbly apprehend, that all buying and selling of Laws in any other sense ought wholly to be discarded (especially by every part of the Legislature)

We agree with your Excellency (and are to sure we shall find it so) that it is a hard matter to mend a bad world, and that it is the business of the Legislature, as much as they can, to prevent its growing worse; That vice and Immorality in every of their Branches are scandelous and prejudicial to a Community, and as such ought to be punished, but apprehend that the frequent Commission thereof so much, and so deservedly complained of, arise more from the Failures and Neglects of the proper officers, whose business and Duty it is to punish the offenders, than from any Defect of Law to enable them so to do. Your Excellency from your constant Residence amongst us, will not only be a narrow observer of

their particular Failures, but we (and others) will have it more in our power to inform you of such Instances therein, as have already or hereafter may happen. You will then have it very much in your power to remedy those Evils, and we rest satisfied, that your Justice, and your Judgement will always direct you to make a Right use of it

There may possibly happen in every Constitution some Cases wherein it may be more tollerable to bear an Injury than to seek a Remedy: it will be the Wisdom and Judgement of every People [to] amend such deffects, & to make the methods of obtaining Justice plain and easy. The just and regular Economy in the Constitution of our Mother Country, contrived & happily established in the prudence of so many great and good men, and during so many Ages past (and indeed contrary to which we ought not to attempt anything) will be the great Example for us to follow. That has found and provided proper Scourges for all Trick and Chicane, & and several times debarred the impudent and knavish Pretender to law from his Practice, and often restrained the number of the Proffession when overgrown, and we Cannot but observe that Licences have been granted to Persons to Practice as Attorneys who have proved altogether unqualified illiterate, and who had no other Pretentions to that Business than from debts being due to them, or their Relations, which by being carefully divided, and Artfully subdivided have furnished them with business for years to the great Injury of many Poor and Ignorant Persons and no less to the discouragement of Education and of the good and honest Lawyer whom we all allow to be a Usefull Member in a Society. We shall in the best manner we can propose proper Remedies against the growing Evil and therein make a Proper distinction between the officer and office We shall also Endeavour that all other Ministerial officers be kept strictly to their Several duties, and to make the bounds of it so plain, and Certain that the pretences of Ignorance may no Longer serve as a Colourable Excuse for their Transgressions; and extend such of the Statutes of England (as shall occurr to us) whose

Extension may be disputable and the Reasons of which may suit our Circumstances.

Every one (the least acquainted with Trade) will readily agree That the advantages, arising to a Country thereby, depend on its Publick credit, which may be much established in the Goodness, Well Manufacturing, and preventing of Frauds in its Commodities exported, and must easily discern how Essential a direct Importation of all foreign Commodities is to the General benefit of its Inhabitants; We need not therefore enlarge on the Subject, but resolve to set ourselves to the work, with Heart and hand to direct the one, and procure the other, Now when we have the Concurrence of so many favourable Circumstances, and can justly promise ourselves so much help and Assistance from your Excellency.

The alternate sitting of Assemblies at Perth Amboy & Burlington and keeping the Secretary's office in two places so remote from each other are Peculiarities in this Province, and we believe tend much to keep up both the name of Division and the Thing, since we are now become intirely a separate Government, and thereby the Intrest of the People very much the same, if in the Course of our Consultations, we shall fall upon any method which may blot out the name of Division from amongst us, we will heartily join in the doing thereof.

The want of a suitable House for the Governour and Conveniencies for his Dwelling, and for the meeting of Councils and Assembly is a Sufficient Argument of the necessity of providing such equally a peculiarity and doubtless occasioned by the Short Stays which former Governours have made amongst us. The Case is now altered, and a Suitable provision ought to be made, and in our Debates concerning the Place to be pitched upon for that purpose The publick good and Convenience, and security of the Government; and not the private advantage of any men or Place shall Influence us

In Short Sir we may now hope to find ourselves happy in the Security of all our Civil and religious Rights, and in the Enjoyment of every other Blessing which may flow [from]

good order and just Government, to that End we used all Endeavours, and thought it would be no small Step thereto, to obtain a distinct Governour The Thing is done and from the Nature of Things it is self evident, at no small expence; your Sollictations, and Intrest have both been employed, and necessary in the Representation of our Wants, which Justice and Gratitude require should be retributed[1]

By order of the House

JOHN HAMILTON, Spr

Some of the Members of this House, being of the People called Quakers, concurr in the matter and substance of this address but make some Exception to the Stile

To which His Excellency was pleased to make the following Answer

Gentlemen

I heartily thank you for this kind Address. I persuade myself your future Conduct, will be always agreeable to this good Begining and I hope you will at all times, preserve and bravely maintain a Character suitable to the Trust reposed in you by His Majesty who has placed you in the High and Honourable Stations you are now in, that by your grave and wholesome advice you may assist the Governour in the Administration and interpose as becomes you, should he make any unwarrantable attempts on the Just Liberties of the Inhabitants, and on the other side boldly to oppose any Endeavours of the other part of the Legislature should they appear to you to tend in the least to lessen His Just Authority, His Majesty's Royal Prerogative or their Necessary Dependance.

Then the House returned to the Council Chamber & adjourned to

[1] The Assembly, however, voted, yeas, 10; nays, 13, against reimbursing the Governor for his expenses in this matter, which he estimated at £1,000.—*Minutes, passim.*

Thursday December 21 1738

Present

John Hamilton P^r^, John Reading, Corn^s^ Vanhorne } Esq^rs^

John Rodman, Rich^d^ Smith, Fenwick Lyell } Esq^rs^

M^r^ Lyell moved the House for leave to bring in a Bill for setling the Militia of this Province

Ordered That M^r^ Lyell have leave to bring in a Bill accordingly

M^r^ Lyell also moved the House for leave to bring in a Bill, To lay a Duty on all Shingles, Staves, and Heading of all sorts; and Bolts whereof Shingles Staves, and Heading may or can be made, and on all Ship Timber and Ship Plank exported out of this Province

Ordered That M^r^ Lyell have leave to bring in a Bill accordingly

Then The House adjourned to

Friday December 22^d^

Present

John Reading P^r^, Corn^l^ Vanhorne } Esq^rs^

John Rodman, Richard Smith, Fenwick Lyell } Esq^rs^

Ordered That John Peter Zinger[1] do print the Address of this house to His Excellency.

M^r^ Rodman and M^r^ Smith prayed leave of the House to be absent for some time on urgent business which was granted

Then the House adjourned to

[1]Zenger, the New York printer, whose trial in 1735 for libel made him famous, and did so much to establish the freedom of the press in America.

Saterday December 23d

Present
John Hamilton Pr
John Reading
Corn Vanhorne
Fenwick Lyell
} Esqrs

A Message from His Excellency by Mr Smyth, desiring that this House would adjourn itself to the 8th day of January next

Munday January 8th 173$\frac{8}{9}$

Adjourned to

Tuesday January 9th

Adjourned to

Wednesday January 10th

Present
John Hamilton Pr
R. Hunter Morris
Fenwick Lyell
} Esqrs

Mr Morris, by order of His Excellency laid before the House the Eleventh Article of His Majesty's Instructions to the Governour relateing to the attendance of their Members which is as follows.

"And Whereas We are sensible that effectual Care ought to be taken to oblige the Members of our Council to a due attendance therein in order to prevent the many Inconveniences that may happen for want of a Quorum of the Council to Transact Buisness as occasion may require, it is our Will and Pleasure That if any of the Members of our said Council *residing in the Province* shall hereafter willfully absent themselves from the Council Board, when duly summond without a Just and Lawfull Cause, and shall persist therein after Admonition, you suspend the said Councillors so absent-

ing themselves till our Further Pleasure be known, giving us timely Notice thereof and we hereby will and require you That this our Pleasure be signified to the several Members of our Council aforesaid and that it be entered in the Council Books of our said Province as a Standing Rule[1]

Then the House adjourned to

Thursday January 11th

Present

John Hamilton Pr
John Reading
R: Hunter Morris
Fenwick Lyell
} Esqrs

Ordered That the Clerk do write to Mr Provoost and Mr Schuyler members of this House acquainting them, That their attendance is required and that the business of the House is delayed for want thereof

Then the House adjourned to

Friday January 12th

Adjourned to

Saterday January 13th

Adjourned to

Munday January 15th

Adjourned to

Tuesday January 16th

Present

John Hamilton Pr
John Reading
William Provoost
} Esqrs

John Schuyler
Ro Hunter Morris
Fenwick Lyell
} Esqrs

[1]See N. J. Archives, VI., 19.

Mr Lyell in pursuance of the leave given him brought in the following Bills

An Act to continue an Act entitled an Act for setling the Militia of the Province of New Jersey, which was read the first time and ordered a Second Reading

An Act to restrain extravagant and excessive Intrest, which was read The first time and ordered a Second Reading

An Act to Lay a Duty on Staves and Heading of all sorts, and Shingles, and Bolts whereof Staves or heading or Shingles may or can be made which was read the first time, and ordered a Second Reading

Then the House Adjourned to

Wednesday January 17th

Present

John Hamilton Pr, John Reading, William Provoost } Esqrs

John Schuyler, Ro Hunter Morris, Fenwick Lyell } Esqrs

The Bill entitled an Act to Continue an Act for setling the Militia of the Province of New Jersey was read a Second time, and ordered a third Reading.

The Bill entitled an Act to restrain Extravagant and Excessive Intrest, was read a Second time and ordered a third Reading

The Bill entitled an Act to Lay a Duty on Staves and Heading &c was read a Second time and ordered a third Reading

Mr Schyler prayed leave of the House to be absent for Ten days, which was granted

Then the House adjourned to

Thursday January 18th

Present
John Hamilton Pr
John Reading
William Provoost
Fenwick Lyell
} Esqrs

Ordered That The Bill entitled an Act for the Tryal and Punishment of persons guilty of Petty Larcenies under the value of five Shillings, be committed to the Gentlemen of the Council or any three of them.

Mr Reading prayed leave of the House to be absent till Munday next, which was granted.

Then The House adjourned to

Friday January 19th

Adjourned to

Saterday January 20th

Adjourned to

Munday January 22d

Present
John Hamilton Pr
William Provoost
Ro: Lettice Hooper
Ro: Hunter Morris
Fenwick Lyell
} Esqrs

The Bill entitled an Act to Continue an Act entitled An Act for setling the Militia of the Province of New Jersey was read a Third time and on the Question put.

Resolved, That the Bill do pass.

The Bill entitled an Act to restrain extravagant and excessive Intrest, was read a third time and on the Question put

Resolved that the Bill do pass

Ordered That Mr Morris do carry the above two Bills to the house of Assembly for their Concurrence.

Mr Lyell prayed leave of the House to be absent till Friday next which was granted.

Then the House adjourned to

Tuesday January 23d

Present

John Hamilton Pr
Wm Provoost
Ro Hunter Morris
} Esqrs

A Message from the House of Assembly by Mr Cooper and Mr Young desiring this House to appoint a Committee to join a Committee of that House to draw up a Table of Fees.

Mr Cook and Mr Emly[1] from the House of Assembly presented to this House for Concurrence a Bill entitled an Act for the frequent meeting and Electing Representatives to serve in General Assembly.

Then the House Adjourned to

Wednesday January 24th

Present

John Hamilton Pr
John Reading
Corns Vanhorne
William Provoost
Ro Hunter Morris
} Esqrs

The Bill entitled an Act for the frequent meeting and electing Representatives &c was read the first time and ordered a Second Reading.

Mr Vanhorne from the Committee to whom the Bill entitled an Act for the Building of a Town house and Goal

[1] Variously spelled, Embly, Emby, Emly, Emley.

in the County of Somerset was referred, reported That they had gone throu the same, and had made several Amendments thereto, which He read in His place and Delivered in at the Table

Ordered That the Bill with the Amendments be read, which was done accordingly and agreed to by the House

Resolved That the Bill with the Amendments do pass.

Ordered that Mr Vanhorn do carry the said Bill and amendments to the House of Assembly and desire their Concurrence thereto.

Mr Ogden and Mr Pearson from the House of Assembly presented to this House for Concurrence a Bill entitled an Act for laying a Duty on Negro, Indian and Mullatto Slaves imported into this Province, which was read the first time, and ordered a Second Reading.

The Bill entitled an Act to lay a Duty on Staves and Heading &c was read a third time, and on the Question put.

Resolved That the Bill do pass.

Ordered That Mr Morris do Carry the said Bill to the House of Assembly for their Concurrence.

Then the House adjourned to

Thursday January 25th

Present

John Hamilton Pr
John Reading
Corns Vanhorne
William Provoost
Ro. Hunter Morris
} Esqrs

Mr Morris reported that in obedience to the orders of this House, He had carried to the House of assembly the three several Bills committed to his Care for that purpose

Mr Vanhorne reported that in obedience to the order of this House, He had carried to the House of Assembly, the Bill with the Amendments Committed to his Care for that purpose.

The bill entitled An Act for the frequent meeting and electing Representatives &c was read a Second time and committed to Mr Morris and Mr Lyell

The Bill entitled an Act for laying a Duty on Negro, Indian and Mullato Slaves &c was read a Second time and committed to Mr Vanhorne, Mr Reading and Mr Provoost

Ordered That Mr Reading, Mr Morris, and Mr Lyell be a Committee to join a Committee appointed by the House of Assembly to draw up a Table of Fees

Ordered that Mr Morris do acquaint the House of Assembly therewith

Then the House adjourned to

Friday January 26th

Adjourned to

Saterday January 27th

Present

John Hamilton Pr	} Esqrs	Wm Provoost	} Esqrs
John Reading		Ro Hunter Morris	
Corns Vanhorne		Fenwick Lyell	

Mr Morris reported that in obedience to the order of this House of the 25th He had acquainted the House of Assembly that this House had appointed a Committee to join a Committee of that House to draw up a Table of Fees.

Then the House adjourned to

Munday January 29th

Coll° Johnston and Coll° Ogden from the House of Assembly brought back the Bill entitled the Act to continue an Act entitled An Act for setling the Militia of the Province of New Jersey with one Amendment made thereto by that House to which they desire the Concurrence of this House.

Then the House Adjourned to

Wednesday January 31st

Present

John Hamilton Pr, John Reading, Corn Vanhorne, William Provoost } Esqrs

John Schuyler, John Rodman, Ro Hunter Morris, Fenwick Lyell } Esqrs

Mr Emly and Mr Vanderveer from the House of Assembly presentd for the Concurrence of this House a Bill entitled an Act for regulating Taverns Ordinaries, Inn Keepers and Retailers of Strong Liquors.

His Excellency came to the Council Chamber, and having by the Clerk of the Council commanded the Attendance of the House of Assembly, He was pleased to make a Speech to that House

Then the House adjourned to

Thursday February 1st

Present

John Hamilton Pr, John Reading, Corn Vanhorne, William Provoost } Esqrs

John Schuyler, John Rodman, Richard Smith, Ro: Hunter Morris, Fenwick Lyell } Esqrs

The Bill entitled An Act for regulating Taverns &c was read the first time, and ordered a Second reading

A Petition of Sundry Inhabitants of the Counties of Hunterdon and Essex was presented to the House and read, praying that this house will be pleased to Assent to erecting the Northermost parts of the County of Hunterdon, Rotiticus in the County of Essex and Basking Ridge in the County of Somerset into a New County.

Ordered That the said Petition do lie on the Table for the Consideration of the Members of this House.

The engrossed Bill entitled an Act to continue an Act entitled an Act for setling the Militia of the Province of New Jersey with the Amendments made thereto by the House of Assembly was read & agreed to by this House

Ordered That M[r] Lyell do acquaint the House of Assembly that this House has passed the said Bill

Then the House adjourned to

Friday February 2[d]

Present

John Hamilton P[r]	Esq[rs]	John Schuyler	Esq[rs]
John Reading		John Rodman	
Corn Vanhorne		Rich[d] Smith	
W[m] Provoost		R. Hunter Morris	
		Fenwick Lyell	

M[r] Lyell reported that he had obeyed the order of this House of yesterday

The Bill entitled an Act for regulating Taverns &c was read a Second time, and Committed to M[r] Provoost M[r] Rodman and M[r] Smith

M[r] Demont and M[r] Vanest from the House of Assembly brought back the engrossed Bill entitled an Act for Building a Court House and Goal in the County of Somerset that House having agreed to the Amendments made thereto

M[r] Lyell from the Committee to whom the Bill entitled An Act for the frequent meeting and electing Representatives &c[a] was referred, reported that they had gone throw the same, and had made several Amendments thereto which He read in his Place and Delivered in at the Table

Ordered That the Bill with the Amendments be read, which was done accordingly and agreed to by the House

Resolved That the Bill with the Amendments do pass.

Ordered That M[r] Lyell do carry the Bill and amendments to the House of Assembly and desire their Concurrence thereto

Mr Smith moved the House for leave to bring in a Bill for Amending an Act entitled an Act for raising of money for Building and Repairing of Goals and Court Houses within each respective County of this Province

Ordered That Mr Smith have leave to bring in a Bill accordingly. Mr Schuyler prayed leave to be absent for a Week which was granted

Then The House adjourned to

Saterday February 3d

Present

John Hamilton Pr, Corn: Vanhorne, William Provoost } Esqrs
John Rodman, Richard Smith, Fenwick Lyell } Esqrs

Mr Lyell moved the House for leave to bring in a Bill for the Incouragemt of the Trade of this Province.

As also, leave to bring in a Bill to declare how the Estate or right of a Feme-covert may be conveyed or extinguished, and for confirming Conveyances already so made

Ordered That Mr Lyell have leave to bring in Bills accordingly

Then The House adjourned to

Munday February 5th

Adjourned to

Tuesday February 6th

Present

John Hamilton Pr, William Provoost, Jno Rodman } Esqrs
Richard Smith, Ro Hunter Morris, Fenwick Lyell } Esqrs

Mr Provoost moved the House that Mr Morris and Mr Lyell be added to the Committee to whom the Bill for regulating Taverns &ca is referred.

Ordered That Mr Morris and Mr Lyell be added to the said Committee

Mr Lyell from the Committee to whom the bill entitled an Act for the Tryal and Punishment of persons guilty of Petty Larcenies &c^{a} was referred, reported That they had gone throw the said Bill and had made Several amendments thereto which he read in his Place, and delivered in at the Table

Ordered, That the Bill with the Amendments be read, which was done accordingly, and agreed to by the House

Resolved, That the Bill with the amendments do pass.

Ordered Mr Lyell do carry the Bill with the Amendments to the House of Assembly for their Concurrence

Ordered, That Mr Lyell do desire of the House of Assembly to send to this House the Sundry Copies of His Majesty's Instructions to the Governour, which were by His Excellency delivered to that House to be inserted in their Minutes, and in the Minutes of this House

Then the House adjourned to

1136407

Wednesday February 7th

Present

John Hamilton Pr, John Reading, William Provoost } Esqrs

John Rodman, Richard Smith, Ro Hunter Morris, Fenwick Lyell } Esqrs

Mr Stacy and Mr Cooper, from the House of Assembly brought back the Bill entitled an Act for the frequent meeting and electing Representatives &c^{a} with one amendment to one of the amendments made by this House and two amendments to the Body of the Bill, to all which They desire the Concurrence of this House which Bill with the aforesaid Amendments being read and considered

Resolved That this House adhere to their own Amend-

ments to the said Bill and disagree to the two amendments made by the House of Assembly to the Body of the said Bill

Ordered That Mr Smith do acquaint the House of Assembly with this Resolve

Mr Vanbuskerk and Mr Johnston from the House of Assembly brought back the Bill entitled an Act to restrain Extravagant and Excessive Intrest, with several Amendments made thereto by that House to which they desire the Concurrence of this House which Bill with the Amendments being read and considered

Resolved That the House do agree to all the Amendments made by the House of Assembly to the said Bill, excepting the Amendments made to the 7th and 19th lines of the 1st Page of the said Bill

Ordered That Mr Smith do acquaint the House of Assembly with this Resolve

Mr Lyell reported that he had obeyed the orders of this House of yesterday.

Then the House adjourned to

Thursday February 8th

Present

John Hamilton Pr
John Reading
William Provoost
} Esqrs

John Rodman
Richd Smith
Ro Hunter Morris
Fenwick Lyell
} Esqrs

Mr Hancock and Mr Vanderveer from the House of Assembly presented a List of the Members of that House appointed as a Committee to join a Committee of this House to draw up a Table of Fees, which Members are Mr Stacey, Mr Ogden, Mr Eaton, Mr Hude, Mr Cooper and Mr Leaming,

Mr Smith reported that he had obeyed the order of this House of yesterday,

Then the House adjourned to

Friday February 9th

Present

John Hamilton Pr, John Reading, Wm Provoost } Esqrs

John Rodman, Richard Smith, Ro: Hunter Morris, Fenwick Lyell } Esqrs

Mr Smith in pursuance of the leave given him brought in a Bill entitled an Act for raising of money for the use and Service of the several and respective Counties in this Province of New Jersey for the better building and repairing appointing and Manageing for their several uses Intended, Goals, Work Houses or Houses of Correction, Stocks and Court Houses, and for Killing of Wolves and Panthers in each respective County; which was read the first time and ordered a Second Reading

A Petition of Giles Worth and others inhabitants of this Province praying that this House would be pleased to bring in a bill for building good and Sufficient Bridges at the places therein mentioned, was read

Ordered, That the Petitioners have leave to bring in a Bill accordingly

Mr Leaming and Mr Pearson from the House of Assembly presented for the Concurrence of this House a Bill entitled an Act for the more speedy recovery of small Debts; which was read the first time, and ordered a Second Reading

Mr Johnston from the House of Assembly presented the Sundry Copies of His Majesty's Instructions to the Governour &ca

Ordered That the Clerk do insert the Copies of the said Instructions in the Minutes of this House—and they are as follows vizt

14. You are to observe in the passing of Laws that the "Stile of enacting the Same be by the Governour Council "and Assembly, & no other You are also as much as possible "to observe in the passing of all Laws that whatever may be

"requisite upon each different Matter be Accordingly pro-
"vided for by a different Law without intermixing in one
"and the same Act such Things as have no proper relation
"to each other and you are more especially to take Care that
"no Clause or Clauses be inserted in or annexed to any Act
"which shall be foreign to what the Title of such respective
"Act imports, and that no perpetual Clause, shall be made
"part of any Temporary Law; and that no Act whatsoever
"be suspended, continued, altered, revived, or repaled by
"general words but that the Title and date of such Act so
"suspended, continued, altered, revived, or repaled, be par-
"ticularly mentioned and expressed in the enacting Part.

17. It is our express Will and Pleasure that no Law for
"raising any impositions on Wines or Strong Liquors be
"made to continue for less than one whole year and that all
"other Laws made for the supply and Support of Govern-
"ment shall be indefinite and without Limitation except the
"Same be for a Temporary Service and which shall expire
"and have their full Effect within the time therein prefixed.

19. And it is our further Will and Pleasure that you
"do not give your Assent to or pass any *Act* in our said
"Province of New Jersey under your Government for Pay-
"ment of money either to you the Governour or to any
"Lieutenant Governour or Commander in Chief, or to any
"of the Members of our Council or to any other Person
"whatsoever except to us our Heirs and Successors without
"a Clause be likewise inserted in such Act declaring that the
"same shall not take Effect until the said Act shall have
"been approved and confirmed by us our Heirs or Suc-
"cessors.

"26. Whereas several Inconveniences have arisen to our
"Governments in the Plantations by Gifts and Presents
"made to our Governours by the General Assemblies You
"are Therefore to propose to the Assembly at their first
"meeting after your arrival and to use your utmost endeav-
"our with them that an Act be passed for raising and setling
"a Publick Revenue for defraying the Necessary Charge of

"the Government of our said Province; And therein Pro-
"vision be particularly made for a competent Sallary to your-
"self as Captain General and Governour in Chief of our
"said Province, and to other our succeeding Captain Gener-
"als for supporting the Dignity of the said office, as like-
"wise due Provision for the Contingent Charges of our
"Council and Assembly, and for the Salaries of the respec-
"tive Clerks and other officers thereunto belonging, as like-
"wise of all other officers necessary for the Administration
"of that Government and particularly That such Salaries be
"enacted to be paid in Sterling or Proclamation money or in
"Paper Bills of Credit current in that Province in propor-
"tion to the value such Bills shall pass at in Exchange for
"Silver, that thereby the Respective Officers may depend on
"some certain Income, and not be liable to have their Sti-
"pends varied by the uncertain value of Paper money And
"that in such Act all officers Salaries be fixed to some rea-
"sonable yearly Sum, except the Members of the Council
"and Assembly, and the officers attending them, or others
"whose attendance on the Publick is uncertain, who may
"have reasonable Pay established per Diem during their
"attendance only, and when such Revenue shall have so
"been setled and Provision made as aforesaid,—then our
"Express Will and Pleasure is, that neither you our Gover-
"nour, nor any Governour, Lieuten^t Governour, Commander
"in Chief, or President of our Council of our said Province
"of New Jersey for the time being, do give your or their
"Consent to the passing of any Law or Act for any Gift or
"Present to be made to you or them, by the Assembly, and
"that neither you, nor they do receive any Gift or Present
"from the Assembly or others on any Account or in any
"manner whatsoever, upon Pain of our highest Displeasure,
"and of being recalled from that our Government.

27. And we do further direct and require, that this Decla-
"ration of our Royal Will and Pleasure in the two foregoing
"Articles be communicated to the Assembly, at their first
"Meeting after your Arrival in our said Province, and

"entered in the Register of our Council and Assembly that "all Persons whom it may concern may Govern themselves "accordingly.

32. You are not to Suffer any Publick Money whatsoever "to be Issued or disposed of otherwise than by Warrant "under your hand by and with the advice and consent of "our said Council; but the Assembly may be nevertheless "permitted from time to time to view and examine the Ac- "counts of money or value of Money disposed of by virtue "of Laws made by them which you are to signify unto them "as there shall be occasion.[1]

The above is a true copy of the 14th 17th 19th 26th 27th & 32d Instructions from His Majesty's to me, Given at His Majesty's Court at Kensington the 21 day of July in the 12th year of His Reign.

Signed

Lewis Morris

Then The House adjourned to

Saterday February 10th

Present

John Hamilton Pr, John Reading, William Provoost } Esqrs

John Rodman, Richard Smith, Ro: Hunter Morris, Fenwick Lyell } Esqrs

The Bill entitled an Act for raising of Money for the Use and Service of the Several Respective Counties in this Province of New Jersey &ca was read a Second time and committed to Mr Provoost, Mr Rodman and Mr Smith.

The Bill entitled an Act for the more easy and speedy Recovery of small Debts, was read a Second time, and ordered to lie on the Table for the Consideration of the House.

Mr Emly and Mr Cook from the House of Assembly,

[1] See N. J. Archives, VI., 20–29.

presented for the Concurrence of this House a Bill entitled an Act for erecting the upper Parts of the County of Hunterdon in the Western Division of the Province of New Jersey into a County, which was read the first time and ordered a Second Reading.

Then the House adjourned to

Munday February 12th

Present

John Hamilton Pr, John Reading, William Provoost } Esqrs

John Rodman, Richard Smith, Ro Hunter Morris, Fenwick Lyell } Esqrs

The Bill entitled an Act for erecting the upper Parts of the County of Hunterdon &ca into a County was read a Second time & ordered a third reading

The Petition of Anthony Sharp, Isaac Sharp, and Joseph Sharp, of the County of Salem was read, praying leave to bring in a Bill to dock an Entail of the Sundry lands in the said Petition mentioned

Ordered That the Petitioners do lay before this House the Several Deeds mentioned in the said Petition which was done accordingly.

Ordered That Mr Morris and Mr Lyell do examine the said Deeds and report their opinion concerning them to this House, and that the Clerk do order Mr Isaac Sharp to attend them.

Mr Cooper and Mr Demarie [Demarest] from the House of Assembly presentd for the Concurrence of this House a Bill entitled an Act for Naturalizing Peter Tranberg and others, which was read the first time and ordered a Second Reading

Mr Stacy and Mr Emly from the House of Assembly brought back the engrossed Bill entitled an Act to restrain Extravagant and Excessive Intrest, to be Signed

Then the House Adjourned to

Tuesday February 13th

Present

John Hamilton Pr		John Rodman	
John Reading	Esqrs	Richard Smith	Esqrs
William Provoost		Fenwick Lyell	

Dr Johnston and Mr Young from the House of Assembly brought back the Bill entitled an Act for the Trial and Punishment of Persons guilty of Petty Larcenies &ca with some Amendments made by that House to the Amendments of this House to the said Bill, which was read in their Several Places.

Resolved That this House do agree to the two first Amendments made to their Amendments to the said Bill by the House of Assembly, but adhere to their own other Amendments

Ordered that Mr Lyell do acquaint the House of Assembly with this Resolve

The Bill entitled an Act for erecting the upper Parts of the County of Hunterdon &c into a County, was read a third time and on the Question put

Resolved That the Bill do pass.

Ordered That Mr Reading do acquaint the House of Assembly therewith

The Bill entitled an Act for Naturalizing Peter Tranberg and others was read a Second time, and ordered a third Reading

Coll° Ogden and Mr Hancock from the House of Assembly brought back the Bill entitled an Act for the frequent Meeting and electing Representatives &ca to be compared and Signed, that house having agreed to the Amendments made thereto by this House and engrossed The said Bill which Bill having been compared was accordingly by order of this House signed by the Chairman

Then the House Adjourned to

Wednesday January [February] 14th

Present

John Hamilton Pr
John Reading
William Provoost
John Rodman
Richard Smith
} Esqrs

Mr Reading reported that he had obeyed the order of this House of yesterday

The Bill entitled an Act for Naturalizing Peter Tranberg and others was read the third time and on the Question put

Resolved That the Bill do pass.

Ordered That Mr Smith do acquaint the House of Assembly therewith

Then the House Adjourned to

Thursday February 15th

Present

John Hamilton Pr
John Reading
William Provoost
} Esqrs

Richard Smith
John Rodman
Ro: Hunter Morris
} Esqrs

Mr Morris from the Committee appointed for that Purpose brought in a Bill entitled an Act to oblige the Several Sherriffs of this Province to give Security, and to take the oaths therein directed for the due Discharge of their offices, which was read the first time and ordered a Second Reading

Mr Smith reported that in obedience to the order of yesterday, He has informed the House of Assembly that this House agreed to the bill for Naturalizing Peter Tranberg and others.

Coll° Ogden, Coll° Johnston, Mr Hude, Mr Richard Smith, Mr Pearson, and Dr Johnston from the House of Assembly presented for the Concurrence of this House a Bill entitled an Act for the Support of His Majesty's Province of New

Jersey for three years to Commence the 23d day of September 1738 and to end the 23d day of September 1741 which was read the first time, and ordered a Second Reading

Then the House Adjourned to

Friday February 16th

Present

John Hamilton Pr, John Reading, William Provoost } Esqrs

John Rodman, Richard Smith, Ro Hunter Morris, Fenwick Lyell } Esqrs

Mr Lyell in pursuance of leave given him brought in a Bill entitled an Act continuing an Act entitled an Act for the more Speedy Recovery of Legacies that have or may be Given in the Province, and for affirming such Acts of Administrators bona fide done before notice of a Will, which was read the first time, and ordered a Second Reading

Also, a Bill entitled an Act declaring how the Estate or Right of a Feme Covert may be conveyed or extinguished, which was read the first time and ordered a Second Reading.

Mr Lyell likewise presented to the House a Bill entitled an Act for building a Bridge over Hillstone [Millstone] River, and one other Bridge over Stony Brook in the high Road between the Counties of Middlesex and Somerset; which was read the first time, and ordered a Second reading

Mr Lyell reported that He had obeyed the order of this House of the 13th

Ordered, That the Clerk do write to Mr Alexander, Mr Vanhorne and Mr Schuyler to attend this House with all possible Speed acquainting them that this House have now Buisness of Importance before them which is much delayed by reason of their Absence, the Death of Rot Lettice Hooper Esqr and the non Attendance of John Wills Esqr occasioned by his great Age and Infirmity.

Then the House adjourned to

Saterday February 17th

Present

John Hamilton Pr
William Provoost
John Rodman
Richard Smith
Ro: Hunter Morris
} Esqrs

A Message from the House of Assembly by Mr Stacy and Mr Young desiring that this House will be pleased to appoint a Committee to conferr with a Committee of that House on the Subject Matter of the Admendments made by the Assembly to the Amendments of this House to the Bill entitled an Act for the Tryal and Punishment of Persons guilty of Larceny &ca

Ordered That Mr Morris and Mr Lyell be a Committee for that Purpose, and that the Clerk do acquaint the House of Assembly therewith and that the said Committee will be ready to enter upon the Conferrence on Tuesday next in the afternoon at the House of John Sargant

The Clerk reported that he had obeyed the above order of this House.

A Message from the House of Assembly by Mr Cooper and Mr Eaton, enquireing what Progress this House has made on the Bill entitled an Act laying a Duty on Negro, Indian, and Mullatto Slaves' as also on the Bill entitled an Act for regulating Taverns &ca to which Enquiry the Chairman in the name of the House made Answer that the Bills by the House of Assembly in their Message Mentioned were Committed.

The Bill entitled an Act to oblige the several Sherriffs &ca to give Security &ca was read a Second time and committed to Mr Rodman, Mr Morris, and Mr Lyell.

The Bill entitled an Act declaring how the Estate or right of a Feme-Covert shall be Conveyed or extinguished, was read a Second time

Ordered That the Bill be engrossed

The Bill entitled an Act for continuing an Act entitled an Act for the more Speedy Recovery of Legacies &c^a was read a Second time.

Ordered That the Bill be engrossed

The Bill entitled an Act for building a Bridge over Millstone River &c^a was read a Second time

Ordered That the Bill [be] engrossed

Then the House Adjourned to

Munday February 19^th

Present

John Hamilton P^r
W^m Provoost
John Rodman
Richard Smith
Fenwick Lyell
} Esq^rs

The engrossed Bill entitled an Act for continuing an Act entitled an Act for the more speedy Recovery of Legacies &c^a was read a third time and on the Question put

Resolved That the Bill do pass

The engrossed Bill entitled an Act for building a Bridge over Millstone River &c^a was read a third time and on the Question put

Resolved that the Bill do pass

Ordered that M^r Lyell do carry the two fore mentioned Bills to the House of Assembly for their Concurrence

Then the House adjourned to

Tuesday February 20^th

Present

John Hamilton P^r
William Provoost
John Schuyler
} Esq^rs

John Rodman
Richard Smith
Ro : Hunter Morris
Fenwick Lyell
} Esq^rs

A Message from the House of Assembly by Dr Johnston and Mr Young signifying that, that House had appointed Mr Richard Smith, Mr Hude: Mr Stacey, and Coll° Ogden to be a Committee on the Conference on the Bill for the Trial and Punishment of Persons guilty of Larceny.

Mr Lyell reported that He had obeyed the order of this House of yesterday.

The engrossed Bill entitled an Act declareing how the Estate or Right of a Feme-Covert [shall be] conveyed or extinguished was read a third time and on the Question put

Resolved that the Bill do pass

Ordered that Mr Schuyler do carry the Bill to the House of Assembly for their Concurrence

Mr Schuyler reported that he had obeyed the above order

Then the House adjourned to

Wednesday February 21st

Present

John Hamilton Pr John Reading Corñ: Vanhorne William Provoost	Esqrs	John Rodman Richard Smith Jn° Schuyler Ro: Hunter Morris Fenwick Lyell

Esqrs

Mr Mickle and Mr Reeves from the House of Assembly brought back the Bill entitled an Act for continuing an Act entitled Act for the more Speedy Recovery of Legacies &c[a] to which that House has agreed without any Amendments

The Petition of Nathaniel Crane and others, Freeholders and Inhabitants of Elizabeth Town in the County of Essex praying that a Law may be enacted for erecting a Court House and Goal in Elizabeth Town., was presented to the House and read[1]

[1] This rivalry between Elizabethtown and Newark was kept up till the Legislature passed a law, November 5th, 1806, leaving it to the vote of the people of the county where the court-house should be located. With a population of 22,139, there were polled 13,857 votes, by men and women, boys and girls, black and white. The frauds were so notorious that the Legislature set the election aside, and Newark kept the court-house.—*Hatfield's Elizabethtown, 650.*

Ordered That the Petitioners have leave to bring in a Bill accordingly.

M^r^ Morris from the Committee appointed to conferr with the Committee of the House of Assembly on the Bill for Trial and Punishm^t^ of Persons guilty of Larceny, reported, that it was agreed at the conference aforesaid that it might be for the good of the Inhabitants of this Province and Conducive to the Punishment of Persons guilty of Larceny, to extend the Trial and Punishment [of persons] guilty as aforesaid to the value of twenty shillings and that in that Case The Assembly's Committee had agreed to the Amendments made and adhered to by this House to the said Bill

Then the House adjourned to

Thursday February 22^d^

Present

John Hamilton P^r^	Esq^rs^	Jn^o^ Schuyler	Esq^rs^
John Reading		John Rodman	
Corn^s^ Vanhorne		Richard Smith	
William Provoost		Ro: Hunter Morris	
		Fenwick Lyell	

M^r^ Cook and M^r^ Young from the House of Assembly brought up the Bill entitled an Act for the Trial and Punishment of Persons guilty of Larceny with the Amendments agreed on at the conferrence for the Concurrence of this House; which Bill with the Amendments was read, and ordered to be engrossed

M^r^ Rodman from the Committee to whom the Bill entitled an Act to oblige the several Sherriffs of this Province to give Security &^ca^ was referred, reported, that they had made some Amendments, and added one Clause thereto which He read in his place, and the same was agreed to by the House

Ordered, That the Bill with the Amendments be engrossed

Mr Richard Smith and Mr Hude from the House of Assembly presented for the Concurrence of this House a Bill entitled an Act for the better enabling of Creditors to recover their Just Debts from Persons who abscond themselves, Which was read the first time and ordered a Second Reading

Then the House adjourned to

Friday February 23d

Present

John Hamilton Pr John Reading Corn. Vanhorne William Provoost	Esqrs	John Schuyler John Rodman Richard Smith Ro: Hunter Morris Fenwick Lyell	Esqrs

The Bill entitled an Act for the better enabling of Creditors to recover their Just Debts &ca was read a Second time and committed to Mr Morris Mr Rodman and Mr Lyell

The Bill entitled an Act for the Support of His Majesty's Province of New Jersey &ca was read a Second time and committed to a Committee of the whole House.

Mr Vanhorne from the Committee of the House on the Support Bill reported, they had gone throu the Bill, and the matter having been fully debated had agreed that a Conference with the House of Assembly on the Subject Matter of the said Bill would be necessary, and that that House should be desired to appoint a Committee to join a Committee of this house to conferr on the Subject Matter of the Support Bill &ca

Ordered That Mr Morris and Mr Lyell do acquaint the House of Assembly immediately

Mr Morris reported that Mr Lyell and himself had obeyed the above order

Ordered That the Committee of the whole House on the

Bill entitled an Act for the Support of the Government of His Majestys Province of New Jersey &c^{a} do sit again on Wednesday next

Then the House adjourned to

Saterday February 24th

Present

John Reading P^{r}, Corñ Vanhorne, William Provoost } Esq^{rs}

John Rodman, Richard Smith, Ro: Hunter Morris, Fenwick Lyell } Esq^{rs}

The engrossed Bill entitled an Act to oblidge the several sheriffs to give Security &c^{a} was read the third time, and on the Question put

Resolved, That the Bill do pass.

Ordered, That M^{r} Morris do carry the Bill to the House of Assembly for their Concurrence

M^{r} Morris reported That he had obeyed the above order

M^{r} Vanhorne from the Committee to whom the Bill entitled an Act for laying a Duty on Indian, Negro and Mullatto Slaves was referred reported that they had gone throu the same, and made several Amendments thereto, which He read in his Place which Amendments was disagreed to by the House

Ordered That the Bill without the Amendments be read a third time

Then the Bill was read a third time, and the Question being put whether the bill do pass it was carried in the Negative

A Message from the House of Assembly by M^{r} Antill M^{r} Cooper, M^{r} Andrew Johnston, and M^{r} Stacy, in the following words Viz^{t}

"This House having taken into Consideration the Message "of yesterday from the Council by Robert Morris and Fen- "wick Lyell Esq^{rs} to this House, desiring this House to

"appoint a Committee [to join one] of that House in order "to conferr on the Subject matter of the Support Bill, are of "opinion, that if the said Subject Matter to be Conferred on, "has only relation to matter of form in said Bill, This House "[is] willing to appoint a Committee to join a Committee of "that House in order to conferr on the same, but if thereby "is intended any Alteration of the Substance thereof, This "House is of opinion that no alteration ought to be made by "that House nor ought any Conferrence to be had thereon

Ordered, That the above message be taken into consideration on Tuesday next

Dr Johnston and Mr Emly from the House of Assembly broug^{t} back the Bill entitled an Act declaring how the Estate or Right of a Feme Covert may be conveyed or extinguished with one Amendment made thereto by the House of Assembly, to which they desire the Concurrence of this House

Mr Antill and Mr Vanbuskirk from the House of Assembly presented for the Concurrence of this House a Bill entitled an Act for the Relief of the Poor

Then the House adjourned to

Munday February 26th

Present

William Provoost Pr John Schuyler John Rodman	Esqrs	Richard Smith Ro Hunter Morris Fenwick Lyell	Esqrs

The Bill entitled an Act for the Relief of the Poor was read the first time and ordered Second Reading

Then the House adjourned to

Tuesday February 21st

Present

William Provoost Pr John Schuyler John Rodman	Esqrs	Richard Smith Ro Hunter Morris Fenwick Lyell	Esqrs

The House according to order took into Consideration the Assembly's Message of Saterday last, and having made some Progress therein Deferred the further Consideration thereof To Thursday next

The Bill entitled an Act for the Relief of the Poor was read a Second time and committed to M^r^ Rodman, M^r^ Schuyler and M^r^ Lyell

M^r^ Stacey and M^r^ Cook, from the House of Assembly presented for the Concurrence of this House a Bill entitled a Supplementary Act explaining certain Clauses and remedying some Inconveniences found to be in an Act entitled an Act for the better laying out regulating and preserving publick Roads and High ways throwout this Province

The engrossed Bill entitled an Act for the Trial and Punishment of Persons guilty of Larceny &^ca^ was Read and on the Question put

Resolved That the Bill do pass

Ordered, That M^r^ Schuyler do carry the Bill to the House of Assembly to be compared and Signed

The Bill entitled an Act declaring how the Estate or Right of a Feme-Covert may be conveyed or extinguished with the Amendments made thereto by the House of Assembly was read and on the Question put whether the 3^d^ Amendments be agreed to by this House? it was carried in the negative

Ordered That M^r^ Smith do carry the Bill to the House of Assembly and acquaint them that this House disagrees to their amendments

M^r^ Schuyler reported that he had obeyed the foregoing order of this house

M^r^ Smith reported that he had obeyed the foregoing order of this House

Then the House adjourned to

Wednesday February 28th

Present

John Hamilton Pr, William Provoost, John Rodman } Esqrs

Richard Smith, Ro. Hunter Morris, John Schuyler, Fenwick Lyell } Esqrs

The Bill entitled a Supplementary Act explaining certain Clauses &ca was read the first time, and ordered a Second reading

Mr Rodman from the Committee to whom the Bill entitled an Act for the better enabling of Creditors to recover their just debts was committed, reported the said Bill without any Amendments

Ordered That the Bill be read a third time, which was done and on the Question put

Resolved that the Bill do pass

Ordered That Mr Rodman do acquaint the House of Assembly therewith

Mr Young and Mr Reeves from the House of Assembly presented for the Concurrence of this House, a Bill entitled an Act to enable Several of the Cities, Towns, Districts and Precincts within this Province, to elect Severall Necessary Officers for the dispatch of public buisness, and also to enable the respective Counties within this Province to elect County Collectors

Coll° Ogden,[1] and Mr Emly from the House of Assembly brought back the engrossed Bill entitled an Act for the Trial and Punishment of Persons guilty of Larceny &ca with the Concurrence of that House thereto

The order of Friday last being read, that the Committee of the whole House on the Support Bill do sit again this day

Ordered, That the further Consideration of the Support Bill by the said Committee be deffered till Monday next

Then the House Adjourned to

[1] Josiah Ogden, of Newark.

Thursday March 1st

Present

John Hamilton Pr, William Provoost, John Rodman } Esqrs
Richard Smith, Rob Hunter Morris, Fenwick Lyell } Esqrs

Mr Leaming and Mr Cooper from the House of Assembly broug[t] back the Bill entitled an Act declaring how the Estate or a right of a Feme-Covert may be conveyed or extinguished with the former Amendments made thereto by that House to which they do Still adhere

Mr Rodman reported that he had obeyed the order of this House of yesterday.

Coll° Ogden, and Mr Pearson from the House of Assembly brought back the Bill entitled an Act to Oblige the Several Sheriffs &ca to give Security &ca with Some Amendments made thereto by that House, to which they desire the Concurrence of this House

Mr Lyell from the Committee to whom the Bill entitled an Act for regulating Taverns &c[a] was referred; reported that they had gone throu the same and made several Amendments thereto, which he read in his place and were agreed to by the House

Ordered That Mr Lyell do carry the Bill and Amendments to the House of Assembly for their Concurrence

The House according to the order of Tuesday last took into their further Consideration the House of Assembly's Message of the 24 Ult° by Mr Antill &ca Concerning the Conferrence demanded on the Subject Matter of the Support Bill, and after some time Spent therein agreed upon the following Message to be sent to the House of Assembly Viz[t]

"The Council taking into Consideration the Message of "Saterday last from the House of Assembly by Mr Antill "&c[a] are of opinion that as a Branch of the Legislature of "this Province they have a Right to desire Conferrences with "the House of Assembly upon any Subject whenever they "think the Interest of the Publick requires it, and the Coun-

"cil are further of Opinion, that the refusing to grant such "Conferrence, may prove an obstruction to the Progress of "the Publick Buisness; and a means of breaking off that "good and friendly Correspondence which ought to Subsist "between the two Houses

The Council observe, that desiring a Conferrence in the "manner they did was treating the House of Assembly with "the greatest Respect, And was the most likely method, they "could think of, to put an end to the Sessions in Peace

The Council do for the reasons, above offered, persist in "their former desire of general Conferrence, and hope the "House of Assembly will have so great a regard to the In-"terest of the Publick (at whose Expence we sit) to grant "the Conferrence, in order to put an End to this long and "Expensive Session

Ordered, That M^{r} Provoost and M^{r} Morris do carry the said Message to the House of Assembly

The Bill entitled an Act to enable Several of the Cities, Towns, Districts and Precincts within this Province to Elect several Necessary officers &c^{a} was read the first time, and ordered a Second Reading.

The Bill entitled a Supplementary Act explaining certain Clauses &ca was read a Second time, and ordered a third Reading

Then the House adjourned to

Friday March 2^{d}

Present

John Hamilton P^{r}, Corñ. Vanhorne, William Provoost } Esq^{rs}

John Rodman, Richard Smith, Ro: Hunter Morris, Fenwick Lyell } Esq^{rs}

The Bill entitled a Supplementary Act explaining certain Clauses &c^{a} was read a third time and the Question being put, whether the Bill do pass? it was carried in the Negative.

The Bill entitled an Act to enable Several of the Cities &c[a] within this Province to elect several Necessary officers &c[a] was read a Second time, and the Question being put, whether the Bill be committed it was carried in the Negative.

Ordered That the Bill do lie on the Table

M[r] Lyell reported that he had obeyed the order of this House of yesterday

M[r] Provoost reported that M[r] Morris and himself had obeyed the order of this House of yesterday

Then the House adjourned to

Saturday March 3[d]

Present

John Hamilton P[r], Corñ. Vanhorne, William Provoost } Esq[rs]

John Rodman, Richard Smith, Fenwick Lyell } Esq[rs]

M[r] Rodman from the Committee to whom the Bill entitled an Act for the Relief of the Poor, was referred, reported the same without any Amendment

Ordered That the Bill be read a third time, which was done, and the Question being put, whether the Bill do pass? it was carried in the negative

M[r] Cook and M[r] Benj[a] Smith from the House of Assembly, brought back the Bill entitled an Act for regulating Taverns &c[a] with the Amendm[ts] made thereto by the House, to all which Amendments that House agrees except the first

Then the House adjourned to

Munday March 5[th]

Present

John Hamilton P[r], W[m] Provoost, John Rodman } Esq[rs]

John Schuyler, Richard Smith, Ro Hunter Morris, Fenwick Lyell } Esq[rs]

The House taking into Consideration the Bill entitled an Act to oblige the several Sheriffs &c^{a} to give Security &c^{a} with the Amendments proposed by the Assembly thereto, do reject the said amendments

Ordered That M^{r} Rodman do acquaint the House of Assembly therewith.

The House taking into Consideration the Bill entitled an Act for regulating Taverns &c^{a} together with their own amendments thereto do recede from their first Amendment

Ordered That M^{r} Rodman do carry the Bill to the House of Assembly and acquaint them that this House [h]as receded as above

M^{r} Rodman reported that he had obeyed the foregoing order of this House

The House deferred the further Consideration of the Support Bill to Wednesday next

Then the House adjourned to

Tuesday March 6th

Present

William Provoost P^{r})
John Rodman)
Richard Smith) Esq^{rs}
Ro: Hunter Morris)
Fenwick Lyell)

A Message from the House of Assembly By M^{r} Antill, M^{r} Andrew Johnston, M^{r} Cooper, and M^{r} Pearson in the following words Viz^{t}

"The House taking into Consideration the Message of the "Council of the Second Instant, by Robert Morris, and Wil- "liam Provoost Esq^{rs} are of opinion that general Conferr- "ences and particular ones too at fit Seasons and on proper "occasions, where they are no wise likely to prove destruc- "tive of the privileges of this House, may often tend to pro- "mote the publick Interest and Welfare: and this House is "further of opinion, that each House has a Right to desire a

"Conference on proper Occasions, and that both Houses have "an equal Right to refuse a Conference when they have "reason for so doing

"This House is heartily desirous of cultivating a perfect "Harmony between both Houses, which when established on "Honourable Terms, cannot but be productive of a general "Good and Tranquility, and must be the most effectual "method to put an End to this long and expensive Sessions "in peace

"We do assure that Honourable House, that had a Gen- "eral Conference only [been desired] by the Message of "Friday the 23[d] of February last, We should very readily "have agreed thereto, and as by the Message of the Second "Instant a general Conference only seems to be desired, this "House has appointed M[r] Antill M[r] Andrew Johnston, M[r] "Cooper, M[r] Leaming M[r] Richard Smith, Coll[o] Ogden, M[r] "Hancock, and M[r] Hude, to be a Committee to Conferr with "a Committee of that hon[ble] House, But if it be designed by "that Hon[ble] House, by such Conferrence, to make any "Alteration in the Substance of the Support Bill, which has "long since passed this House, and wherein We humbly "conceive (and hope it will be thought) we have granted His "Majesty an Honourable Support for this Government, We "were and Still are humbly of opinion, that it can neither "be for the Interest of the Province nor consistant with the "Privileges of this House, to admit of any Alteration to be "made therein or any Conference to be had thereon

Ordered That the above message be taken into Considera- tion to morrow

Then the House adjourned to

Wednesday March 7[th]

Present

John Hamilton P[r], William Provoost, John Schuyler } Esq[rs]

John Rodman, Richard Smith, Ro Hunter Morris, Fenwick Lyell } Esq[rs]

Mr Cooper and Mr Richard Smith from the House of Assembly brought back the engrossed Bill entitled an Act for regulating Taverns &c^{a} to be compared and signed, which was done accordingly

"Coll^{o} Ogden and Mr Leaming from the House of Assem- "bly brought back the Bill entitled an Act to oblige the sev- "eral Sherriffs &c^{a} to give Security &c. and acquainted the "House "that that House do recede from their former "Amendments made to the Bill, and has made some other "Amendments thereto to which they desire the Concurrence "of this House" To this the Chairman, in the name of the "House, made answer "That this House could not receive "the Bill with any New Amendments, that House having "already had the Bill Sent down to them, with the last "Resolution of this House thereon unless a Conferrence is "desired

Ordered, That Mr Schuyler be added to the Committee appointed to Examine the Treasurers accompts.

The House deferred the further Consideration of the Support Bill as also of the Assembly's Message of yesterday by Mr Antill &c^{a} to Friday next

Then the House adjourned to

Thursday March 8th

Present

John Hamilton P.
William Provoost
John Rodman
Richard Smith
Ro: Hunter Morris
} Esq^{rs}

A Message from the House of Assembly by Dr Johnston, Coll^{o} Ogden Mr Hancock, and Mr Emly in the following words Viz^{t}

"That that House hath gone throw all the Buisness before "them, except whats referred to the Committees of both

"Houses, and desire this House to fall upon such measures "as shall be most effectual to put a Speedy dispatch to such "Buisness, which when done and the Support Bill being "passed by this hon^ble House, and sent down to that House "in order to be presented to His Excellency, That House "humbly conceives and hopes an End may be put to this "Sessions" To which the Chairman in the name of the "house, replyed That this House had already gone throu the "several Bills laid before them, except the Support Bill "which the House will take into Consideration, and dispatch "the same with all possible Expedition

Then the House adjourned to

Friday March 9th

Present

John Hamilton P^r
William Provoost
John Rodman
Richard Smith
Ro: Hunter Morris
} Esq^rs

The House further deferred the Consideration of the Support Bill, and the Assemblys Message concerning the Conferrence desired thereon to Munday Next, and adjourned to

Saturday March 10th

Adjourned to

Munday March 12th

Present

John Hamilton P^r
William Provoost
John Rodman
} Esq^rs

Richard Smith
Ro Hunter Morris
Fenwick Lyell
} Esq^rs

The House further deferred the Consideration of the Support Bill and the Assembly's Message's concerning the Conferrence Desired thereon to Tuesday

And the House Adjourned accordingly to

Tuesday March 13th

Present

John Hamilton Pr William Provoost John Rodman	Esqrs	Richard Smith Ro Hunter Morris Fenwick Lyell	Esqrs

The House having taken into Consideration the Support Bill, and the Assembly's several Message's relating thereto, and the Conferrence demanded thereon

Resolved that the following Message be sent to the House of Assembly

Viz. The Council having taken into Consideration the Message of the 6th of this Instant from the Assembly by Messrs Antill, Johnston, Cooper, and Pearson, and having Endeavored (as much as in us lay) to preserve and Cultivate that good understanding, and agreement which is so necessary to be kept up, and maintained, between the Branches of the Legislature for the general welfare of this province, do, in order to Justifie our Conduct to His Majesty (before whom the Journall's both of the Councill and Assembly are Commanded to be layed) As also to prevent further Mistakes: and (if possible) to remove all obstructions to that good harmony so heartily endeavoured at, and so earnestly desired by us and so beneficial to the Publick, think it Needfull also to reconsider, and observe upon the Answer made by the Assembly on the 24th of February to our Message of the day before, wherein we desired them to appoint a Committee of their House to join a Committee of our House, to Conferr on the Subject Matter of the bill for the Support of Government &ca In which Answer the Assembly declare their opinion, First that if the Subject Matter, desired by us to be

Conferred upon, has only relation to matter of form in said Bill they are willing to appoint a Committee, in order to conferr on the same But Secondly, if thereby (meaning the conferrence) is intended any alteration of the substance thereof, The Assembly are of opinion that no Alteration ought to be made by the Council nor ought any Conference to be had thereon on which opinion and Declaration of the Assembly, we do observe that the Subject Matter of any writing and the form of words by which that Subject Matter is Expressed, are in their Nature so Different, that there could be no Just room to doubt, what was meant by the Message it being Delivered in Express terms Viz^{t} to Conferr on the Subject Matter of the said Bill and not to Conferr concerning the form of words (considered as such) in which that Subject Matter was Expressed

2^{dly} That tho alterations possibly may be agreed upon at a Conferrence, and such too as were not thought on or Intended to be proposed by the persons at the time of their requiring it, yet it is evident, from the Nature of the thing, that no Alteration could be made from barely having granted, or yielded to a Conference or otherwise than by agreement of the parties Conferring which we do Conceive, neither would, nor could have been a destroying or Lessening of any real, or pretended Rights or priviledges of either of the parties

3^{dly} That we the Council by Virtue of His Majesty's Letters Pattent (to which we Suppose, the Assembly cannot be Strangers, and which they will not desire[1] by deeds, or words, to be the sole foundation of all authority in this province and of the Exercise of it,) have a Right power and Authority to propose or amend, a Bill of any kind; The power and Authority thereby given, being that the Governour may, by and with the Consent of the Council, and Assembly or of the Majority of them Respectively, make and Enact laws &c^{a} In w^{ch} no Distinction whatsoever is made, between the power given to the one, or the other, and as there cannot be Privilege in Such a Case, where there was not or is not

[1] Query: deny?

Power; so the Letters Pattent, only conferring the Power, and that being equal to the Council, and Assembly Each of Consequence) must have a like Priviledge of proposing, or amending any Bill, to be enacted by virtue of the Power

4thly That by the Acts of General Assembly of this Province, for emitting the paper Currency, (which have had his Majestys royal assent & Confirmation) we the Council, are, by Express words in those Acts, impowered equally with the Assembly to direct in what sort, manner, and form, the Interest money annually pay'd into the Treasury, for the Support of this Government, shall be disposed off, The words of those Acts being [*and the residue (of the Interest money) shall be annually, and Every Year, within three months after the receipt thereof by the Commissioners of the Loan Offices paid into the Treasurers of the respective Divisions of this province, for the time being to be disposed of to and for the Support of the Government of this Province, in such sort, manner, and form, as by the Governour, Council, and General Assembly shall be directed*] By this the Power and Authority given, is Joynt, and to every Branch of the Legislature, the Same and the like power; and to none a different, the one from the other; consequently, whatever one Branch might do, the other might also, nor can the desposition of the money, be to any other use or purpose, than the Support of the Government, because that money, from the Nature of the thing, and the force of the Terms made use of, must be understood, to be given to His Majesty for that purpose, and the property thereof to be solely in him tho' to be disposed of, and applyed to that use and purpose by the persons, and in the manner, in and by those Acts directed, nor Can the Assembly or their Constituents, be said to have any property therein; and if so cannot now be given by them, or any of them, as they Seem to pretend. Therefore the Assembly taking upon themselves, to dispose of that money, (not admitting the Council to have an Equal Authority, and right to propose in what sort, manner, and form, the Same should be disposed off; and not admitting, that we have Right to

Amend the Bill now depending and Directing the Same) Do (as we conceive) Act contrary both to the Tenour, and Power granted by His Majesty's Letters Pattent; and contrary to the Laws Known to be in full force, and very much tending to raise Animosities, divisions and contentions amongst His Majesty's Subjects; of whose Rights and Properties we are (and hope, we shall ever approve our selves to be) equally with the Assembly carefull. From all which we do observe further: that we might and Justly, and legally could, have made Such Amendments and Alterations in the Bill, now Called, an Act for the Support of this Government &c^{a} as we should think fitt; without consulting the Assembly or Conferring with them thereon, and we believe, that all reasonable men lovers of Peace, will think that we by declining to make any Alterations, or Amendments, but Desiring to Conferr with the Assembly thereon, Did, in that Case, treat them in the most Tender manner; and took the most likely, and probable method to preserve, promote, and Cultivate a good Correspondence and agreement between the two Branches of the Legislature and tho' Possibly, we may assent to the Bill as it now Stands, rather that [than] suffer the Government to remain unsupported, which by the Slow progress that Bill has had in the Assembly, appears to have been intended by many, (it not having been sent to us untill the fifteenth day of February last) yet we cannot consistant with the priviledges of our House and the Duty of the Station, wherein His Majesty has been pleased to place us, omit complaining of so great, and manifest a violation of the Laws in that case, and of the Dangerous tendency of such a practice

5^{thly} The Ends of Calling and meeting together, of this, or any Assembly, are to agree upon, and propose, such laws to the Governour (who has a Negative voice) for his assent, as we, and the Assembly shall think necessary for the Publick good, the nature of the thing therefore requires y^{t} we should conferr together for that purpose; and either party denying so to do, when thereunto desired by the other and persisting

in that Denyal, is Denying the use of the only Proper means, conducive to the Ends proposed; and is Either a totall Exclusion of one of the Branches of the Legislature, or which is much the same thing, a Compelling us to Assent to whatever is proposed by the Assembly; tho in some of its parts never so inconvenient and may Justly be said, to tend (from a Necessity) to obtain a forced Consent to things which never have been procured any other way

6thly If (as the Assembly suppose) we had not the Right which we claim or were Doubtfull, or not fully Satisfied, whether we had a Right to make any Alteration; yet we are of opinion, that a friendly conference was the most likely and Effectual Method to convince the Mistaken party, and tending most to preserve that good Correspondance, unanimity, and harmony between us, and them, which is so Necessary to be kept up for the Publick good; and to Answer the true Ends of our Comeing together

7thly The Assembly, in their Message of the 6th of this month grant that a Perfect harmony, between us, and them, cannot but be productive of a General good, and Tranquility; and that it must be the most Effectuall method of putting an End to this long and Expensive Sessions in peace yet they deny conferring with us which is the only way proper to preserve that harmony, if subsisting, or procure it if wanting. They Indeed say, that this perfect harmony is productive of these good Effects, when Established on Honourable Terms; but what they mean by this or a Supposal of the Contrary we are at a loss to know, because we Cannot Conceive that any Harmony can or ought to Subsist between the Branches of the Legislature, but such as is good, and honourable; and agreeable to the Constitution and to be Maintained for the preservation of it, and for that purpose only; all other harmonies and agreements, tending to Destroy it, being no other than Combinations, which Justly fall under a Different Denomination and cannot with Justice, and propriety of Speech, be termed honourable, honest, or good; and we hope

we have not been thought to have Attempted, or offered any thing of that Class.

8thly The Assembly assure us that had a General Conferrence (only) been desired by our Message of the 23d of February they would have readily agreed to it, and as by our Message of the 2d Instant, a General Conferrence (only seems to be Desired, they appoint persons to Conferr &ca we have already made it plain (as we believe) to every impartial Reader, that there could be no Room to mistake our meaning; our Message being full and Express, To Desire a Conference on the Subject of the Support Bill (so called) and in our Message of the 2d Instant, we persist in our former Desire of a General Conference which can leave no room to doubt our meaning of what we desire to conferr upon; Vizt the Subject matter of the Support Bill which we formerly desired to Conferr upon, and which Desire we all at that time Vizt the 2d of March persisted in. why the Gentlemen of the Assembly take so much pains to Evade our plain meaning; and Endeavour Instead of our own which is so plain and Clear to Substitute something else in the place of it; and for what Reasons they do so endustriously decline and avoid Conferring with us on the head which we repeatedly desired to Conferr with them upon, they can best tell; as they can, what is most,[1] by a General Conferrence only. A General Conferrence on a Subject Matter assigned (Vizt the Support Bill) we understand and mean, to be a Conference on all the parts of that Bill. A General Conference (only) without any Subject Matter assigned or Proposed to be confered upon; is a Conference so loose, that we are at a loss to Know, either what is, or can be meant by it, unless it be to Conferr upon any matter, or thing that shall at that Conference, be proposed to be Conferred upon Such a Conference will Indeed include every thing: as well the Subject matter of the Support Bill, as any thing else, but as at a Conference of that kind, neither of the Confering parties can know what is to be Conferred on by the other till proposed; so they must be very much

[1] Query: meant?

unprepared, to manage such a Conference to any tolerable Effect, and is a Conference (we think) without President, or Example in the Legislature

Should the Assembly Say, that, By a General Conference only they mean a Conference upon any, and every thing except what they call the Support Bill and that to that purpose, they have appointed a Committee, to hear what ever else we think fitt to propose: In that Case we must observe, that they could not but know that was not such a Conference, as we Desired to have with them; and which we persisted in: and they Cannot but also know, that their Granting this Supposed General Conference, was (under the Specious pretence of granting a General Conference only) a persisting in the Denyal to Conferr with us at all, on the Subject matter whereon we Desired to Conferr with them. They must further know, that what they Say, when they tell us, They were and Still are of opinion that it Can Neither be for the Interest of the province, nor Consistant with the Priviledges of their House, to Admitt of any alteration to be made therein Viz^{t} the Support Bill so Called) or any Conference to be had thereon, could only amount to attempts at Reasons to Justifie the Denyal whereon we must farther observe that had they granted us the Conference Desired, we should only have proposed Alterations, and additions to the Bill; and would have given our Reasons for the same; but could not Compell them to be made; and their hearing what we had to propose thereon, Could not have been against the Interest of the Province; nor at all inconsistant with the priviledges of this or any other Assembly—We conceived the Bill to be defective, both in Substance and form, in many parts of it; and had (as we did, and do Still believe) reasons Sufficient (had they been heard) to Induce the Assembly to have Consented to the Necessary alterations therein

9^{thly} Alterations against the Interest of the Province or Inconsistant with the priviledges of the Assembly we think ought not to be made or assented too by either House: we did not propose to make, or Endeavour at any Such; if we

had, the House of Assembly would always have been able, both to have preserved their Priviledge, and to have Justified Their Conduct therein, But in the present Dispute, we apprehend they neither have any peculiar priviledge, nor Can they Justifie their Conduct in their Endeavour to Detract from the Just power, and Authority of us the Council, which we will ever Endeavour to preserve Clear & Intire according to the Constitution and therein (to the best of our Judgment) Assert His Majesty's Just Rights, and Prerogatives and the Properties and real Priviledges of the People of this Province

Ordered, that the Clerk do make out a true Copy of the above Message to be sent to that House

Then the House adjourned to

Wednesday March 14th

Present

John Hamilton Pr Wm Provoost John Rodman	Esqrs	Richard Smith Ro: Hunter Morris Fenwick Lyell	Esqrs

The House adjourned to

Thursday March 15 173$\frac{8}{9}$

John Hamilton Pr William Provoost John Rodman	Esqrs	Richard Smith Ro Hunter Morris Fenwick Lyell	Esqrs

The Committee appointed to Join a Committee of the House of Assembly to draw up an Address to His Majesty, presented to the House an Address agreed upon by the said Committees which Address being read and approved of by the House was ordered to be signed by the Speaker

Ordered, that Mr Smith do Carry the Address to the House of Assembly to be signed and returned to this House

The Clerk laid before the House a Copy of the message of this House to the House of Assembly which was Compared and found to be true

Ordered That Mr Provoost and Mr Lyell do carry the said message to the House of Assembly

Mr Morris from the Committee appointed to join a Committee of the House of Assembly to Examine the Treasures Accts reported the State of the said Accts which were read and approved of and are as follows Vizt

The Committee appointed to Examine the Treasurers Accounts in Conjunction with the Committee of the Assembly, having Carefully Examined the same do agree that Robert Hunter Morris Esqr from the said Committee do make the following Report to the House contain'd in the follwg account

Dr Michael Kearny late Treasurer of the Eastern Division to the Province of New Jersey Cr

Support of Government

To the Ballance remaining in his hands at last Settlemt as ℔ the Report in the year 1733.....		£46 ,, 13 ,, 4½
To the Quotas of the Eastern Counties as by Law directed for the year 1733 Vizt		
Bergen	£81 ,, 18 ,, 6	
Essex	136 ,, 2 ,, 6	
Middlesex	114 ,, 18 ,, —	
Somerset	39 ,, — ,, —	
Monmouth	169 ,, 11 ,, 6	
		541 ,, 10 ,, 6
To part of a Difficiency received from Essex as ℔ his acco[t]		—— ,, 12 ,, 6

Interest money paid from the Loan Offices

To Interest money remaining in his hands as appears by the last Report in 1733.....		£1276	6	2¼	
To interest received since from the Eastern Counties viz[t]					
Bergen	£90	18	—		
Essex	172	15	10		
Middlesex	174	13	—		
		438	6	10	
		£2303	9	4¾	

By sundry Warrants and Certificates produced and Endorsed by the Committees being accounted for amounting to in the whole.	£1714	6	—
By allowed by the House at last Settlement	22	2	—
Ballance due.....	£567	1	4¾
	£2303	9	4¾

The Committee further proceeded to Examine the Accounts relating to the cancelling of such part of the £4000 paid into the Treasury from the Eastern Division by Virtue of an Act past in the year 1723 for that purpose and upon Inquiry find that said late Treasurer had Bills of Credit remaining in his hands (as appears by the Report) at last Settlem[t] in the year 1733 amounting to..£369,, 11 ,,—

And that he has since received of Mrs Jennet Parker in part of the Difficiency in Moses

The Committee waited on his Excellency the Governor in Council & Saw Burnt and destroyed in part of the Sum mentioned to be in the hands of the said late Treasurer uncancelled the Sum of.....£75 ,, 11 ,, 6

Which with 40/ over cancelled &Destroyed as by the Report in 1730 appears..... 2 ,, — ,, —

Makes the Sum of.....£77 ,, 11 ,, 6

The Committee also saw Destroyed in part of the £347 ,, 14 ,, 6 the Sum of..... 58 ,, 13 ,, 6

Which sum of £58

Rolfes hands formerly Collectr of Middlesex County.....	55 „ 15 „ —		
		425 „ 6 „ —	
Which sum of £425 „ 6 „ — was in the hands of said Treasurer to be Cancelled In old Bills dated 1724 the Sum of... ...	£77 „ 11 „ 6		
In New Bills dated 1727 the Sum of	347 „ 14 „ 6		
	£425 „ 6 „ —		
„ 13 „ 6 should have been in Bills dated 1727 but was in old Bills which said late Treasurer had receivd in Exchange for new			
Ballance remaing now in his hands to be Cancelled & Destroyed..		289 „ 1 „ —	
		£425 „ 6 „ —	

The Committee are of opinion that the said Sum of £567 „ 1 „ 4¾ (being the Ballance of the above Account) now in the hands of the said late Treasurer ought to be paid to Andrew Johnston present Treasurer and also that the said late Treasurer ought to lay before the Governour and Council the above Sum of £289 „ 1 „ — being the ballance above mentioned remaining in his hands to be Cancelled & Destroyed in order to be Cancelled and Destroyed

By order of the Committee
Ro Hunt Morris
Jos. Cooper

The said Committee do further Agree that Robert Hunter Morris Esq[r] from the said Committee do make the following Report to the House contained in the following Account

D[r] Andrew Johnston Treasurer of the Eastern Division to the Province of New Jersey. C[r]

Support of Government

To Sundry Arrearages in the following Counties as the Same was Reported at last Settlement in 1733 Viz[t]			By the Arrearages P Contra in the County of Middlesex	£18 ,, 18 ,, 5¼	
Middlesex	£18 ,, 18 ,, 5¼		Still outstanding Ditto in the year 1730	25 ,, — ,, —	
Ditto in 1730	25 ,, — ,, —				£43 ,, 18 ,, 5¼
		£43 ,, 18 ,, 5¼	By the County of Somerset Still due	£18 ,, 3 ,, —	
Somerset		18 ,, 3 ,, —	By the County of Essex in 1734	— ,, 17 ,, 6	
To the Quotas of the Eastern Counties as by law Directed for the years 1734 ,, 1735 ,, Viz[t]					19 ,, — ,, 6
Bergen	£163 ,, 17 ,, —				
Essex	272 ,, 5 ,, —				
Middlesex	229 ,, 16 ,, —				
Somerset	78 ,, — ,, —				
Monmouth	339 ,, 3 ,, —				
		£1053 ,, 1 ,, —			

Interest money paid from the Loan Offices

To Sundry Defficiencies in the following Counties as the same were Reported at last Settlem^{t} in 1733 Viz^{t}			By Interst money receiv^{d} by Michael Kearny late Treasurer since last Settlement in the year 1733 of the Eastern Counties Viz^{t}		
Essex	£75 ,, 19 ,, —		Middlesex	£174 ,, 13 ,, —	
Middlesex	169 ,, 9 ,, 4½		Essex	172 ,, 15 ,, 10	
Somerset	6 ,, 9 ,, 10		Bergen	90 ,, 18 ,, —	
		247 ,, 18 ,, 2½			438 ,, 6 ,, 10
To Interest money Payable from the Eastern Counties in 1733 ,, 1734 ,, 1735 ,, 1736 for the first £40,000 Viz^{t}			By the Difficiencies ℔ Contra in the Interest money due on the three Several Loans, since the last Settlem^{t} in the year 1733 from y^{e} Counties following Viz^{t}		
Bergen	£36 ,, 2 ,, 3¼		Bergen	£21 ,, 4 ,, 9¼	
Essex	64 ,, 16 ,, 6¾		Essex	80 ,, 6 ,, 5¾	
Middlesex	46 ,, 10 ,, 4¾		Middlesex	156 ,, 6 ,, 9¼	
Somerset	9 ,, 11 ,, 8½		Somerset	97 ,, 16 ,, 9¾	
Monmouth	85 ,, 5 ,, 8½		Monmouth	285 ,, 16 ,, 3½	
		242 ,, 6 ,, 10¾			641 ,, 11 ,, 1¼
To Interest money payable from the Eastern Counties for the £20,000 in 1734 ,, 1735 ,, 1736 ,, 1737 ,, 1738 Viz^{t}			By Sundry Warrants produced and Endorsed by the Committee as being accounted for amounts to.....		2509 ,, 7 ,, 8
Bergen	£367 ,, 10 ,, —				
Essex	617 ,, 10 ,, —				
Middlesex	520 ,, 10 ,, —				
Somerset	173 ,, — ,, —				
Monmouth	772 ,, 15 ,, —				
		2451 ,, 5 ,, —			
To Interest money payable from the Eastern Counties for the last £40,000 in the year 1738 Viz^{t}					
Bergen	£144 ,, 6 ,, —				
Essex	240 ,, 14 ,, —				
Middlesex	201 ,, 6 ,, —				
Monmouth	301 ,, 12 ,, —				
Somerset	67 ,, — ,, —				
		945 ,, 18 ,, —	Ballance due.....		£1389 ,, 5 ,, 9
		£5041 ,, 10 ,, 3½			£5041 ,, 10 ,, 3½

The Committee proceeded further and Examined the acco^{s} relating to Cancelling of such part of the £4000 payable from the Eastern Division by virtue of an Act pass'd in y^{e} year 1723 for that purpose and upon Inquiry found s^{d} Treasurer has in his hands by virtue of being one of the Ex^{rs} of John Parker deceased who in his life time assumed upon himself to pay the Difficiencies due from the County of Middlesex remaining in the hands of Moses Rolfe late Collector of said County the sum of..... 184 „ 5 „ —

and that part of the Debts formerly Reported to be Difficient belonging to this Account are Still outstanding in the following Counties Viz^{t}

Essex	£7 „ 12 „ 5
Somerset	1 „ 18 „ 7
	£9 „ 11 „ —

By order of the Committee
Ro Hunter Morris
Jos. Cooper

The said Committee do further Agree that Robert Hunter Morris Esq^{r} from the said Committee do make the following Report to the House contained in the following Account

D^{r} John Allen Treasurer of the Western Division C^{r}
to the Province of New Jersey

Support of Government

To Sundry Arrearages in the following Counties as y^{e} same was Reported in 1733		By a Deficiency at last Settlement in the County of Burlington Still unpaid..	£29 ,, 19 ,, 1
Hunterdon	£— ,, 12 ,, —	By a Deficiency since said Settlement in said County of Burlington.....	— ,, 6 ,, 7
Burlington	29 ,, 19 ,, 1		£30 ,, 5 ,, 8
Salem	5 ,, 2 ,, —		
Cape May	4 ,, 6 ,, —		
	£39 ,, 19 ,, 1		
To the ballance remaining in his hands at last Settlement	170 ,, 18 ,, 8½		
To the Quotas of the Western Counties as by Law directed for 1733 ,, 1734 ,, & 1735			
Hunterdon £74 ,, — ,, 6 ℔ annum....£222 ,, 1 ,, 6			
Burlington £123 ,, 7 ,, 6 ℔ do.....	370 ,, 2 ,, 6		
Gloucester 85 ,, 15 ,, —	257 ,, 5 ,, -		
Salem 144 ,, 2 ,, —	432 ,, 6 ,, -		
Cape May 31 ,, 4 ,, 6	93 ,, 13 ,, 6		
	1375 ,, 8 ,, 6		

Interest money paid from the Loan Offices.

To Interest money remaining in his hands at last Settlem^{t} as ℔ Report in 1733 appears		By Sundry Deficiencies still unpaid by several Counties Viz^{t}	
To Sundry Defficiencies at said time in the following Counties viz^{t}		Hunterdon	£20 ,, 1 ,, 2
		Burlington	18 ,, 1 ,, 1/6
		Salem	— ,, 4 ,, 6⅙
		Cape May	— ,, 4 ,, 7¾
			37 ,, 11 ,, 4⅝

Hunterdon	£1 ,, — ,, 3	
Burlington	3 ,, 13 ,, 10¼	
Gloucester	— ,, — ,, 2½	
Salem	— ,, 4 ,, 7¾	
Cape May	— ,, 4 ,, 7¾	
		5 ,, 3 ,, 7¼

To Interest money pay[a] from the Western Counties in 1733 ,, 1734 ,, 1735 ,, 1736 for the first £40,000

Hunterdon	£38 ,, 1 ,, 10	
Burlington	53 ,, — ,, 9	
Gloucester	36 ,, 2 ,, 4¾	
Salem	68 ,, 18 ,, 6¾	
Cape May	7 ,, 9 ,, 8	
		203 ,, 13 ,, 2½

To the Interest money Payable from the Western Counties for the £20,000 in 1734 ,, 1735 ,, 1736 ,, 1737 ,, 1738

Hunterdon	£330 ,, — ,, —	
Burlington	560 ,, 10 ,, —	
Gloucester	386 ,, 15 ,, —	
Salem	654 ,, 10 ,, —	
Cape May	138 ,, — ,, —	
		2069 ,, 15 ,, —

To Interest money pay[a] from y[e] Western Counties for y[e] last £40,000

Hunterdon	£128 ,, — ,, —	
Burlington	218 ,, 10 ,, —	
Gloucester	150 ,, 10 ,, —	
Salem	255 ,, 4 ,, —	
Cape May	53 ,, 8 ,, —	
		805 ,, 12 ,, —

To a Warrant for weights & measures now Endorsed and forthw[ch] he has Credit in this Account but upon Inquiry is found to have been Charged & allowed for in the year 1727.... ..... 24 ,, 18 ,, 9

£6093 ,, 12 ,, 7¾

By Sundry Warrants, Certificates, Receipts and other Vouchers, produced and Endorsed by the Committee as being accounted for amount[s] in the whole ..... £4808 ,, 15 ,, 6

Ballance due..... £1217 ,, — ,, 1

£6093 ,, 12 ,, 7¾

It also appears to the said Committee by the Report at the last Settlement that there remain'd then in said Treasurers hands part of the £4000, the Sum of £458„9„6 and that said Sum is Still in his hands.....£458„ 9„6

By Order of the Committee
Ro: Hunter Morris
Joseph Cooper

The Committee further Agrees that Robert Hunter Morris Esq[r] from the said Committee do make the following Report to the House

The Committee proceeded with the Utmost Care and Caution to Examine the Treasurers accounts relating to the forty Thousand Pounds Emitted in the year 1724, and having also Examined the Several Bundles of Cancelled Bills laid before us by the two Treasurers—Do beg leave to make the following Report

That there should have been Cancelled in the Several Counties in the Eastern Division since the year 1730 the Sum of... .....£9477„11„5⅔

That there was outstanding in the Eastern Division at the time of the Settlement in 1730..... 75„ 3„8⅔

That Michael Kearny late Treasurer &c laid before this Committee 12 Bundles of Cancelled Bills which he received from the Loan officers of several Counties since the year 1730 which were Examined & Burnt amounting to..... 3168„11„7

That Andrew Johnston present Treasurer of the Eastern Division laid before the Committee 26 Bundles of Cancelled Bills received by him of the Loan officers of the several Counties, which were Examined and Burnt amounts to.....	5875 „ 2 „ 3
That there is a Ballance due from the Eastern Division amounting to....	509 „ 1 „ $3\frac{1}{4}\frac{1}{5}$
	£9552 „ 15 „ $1\frac{1}{4}\frac{1}{5}$
£9552 „ 15 „ $1\frac{1}{4}\frac{1}{5}$	

which said Sum of £509 „ 1 „ $3\frac{1}{4}\frac{1}{5}$ is Still outstanding in the following Counties Viz^{t}

Bergen.....	£6 „ 2 „ $9\frac{2}{4}\frac{3}{5}$
Middlesex...	29 „ 8 „ $11\frac{2}{4}\frac{3}{5}$
Essex	22 „ 10 „ $7\frac{2}{5}$
Somerset	450 „ 18 „ $5\frac{2}{5}$
Monmouth...	— „ — „ $5\frac{3}{4}\frac{2}{5}$
	509 „ 1 „ $3\frac{1}{4}\frac{1}{5}$

By Order of the Committee
ROBERT HUNTER MORRIS
JOSEPH COOPER

M^{r} Smith reported that he had obeyed the order of this House

M^{r} Provoost reported that M^{r} Lyell, and himself had obeyed the order of House

The Bill entitled an Act for the Support of His Majestys

Province of New Jersey for three years, to commence the 23^{d} day of September 1738 and to end the 23^{d} day of September 1741, was read a third time and the Question being put

Resolved That the said Bill do pass

Ordered That M^{r} Rodman do acquaint the House of Assembly therewith as also that this House have now no Buisness before them

M^{r} Rodman reported that he had obeyed the said order

His Excellency came to the Council Chamber and having by the Clerk of the Council commanded the Attendance of the House of Assembly, and they being come He was pleased to give his Assent to the following Bills Viz^{t}

An Act for the Support of his Majestys Province of New Jersey for three years to commence the 23^{d} day of September 1738 and to end the 23^{d} day of September 1741.

An Act to Continue an Act entitled an Act for setling the Militia of the Province of New Jersey

An Act for Building a Court House and Goal in the County of Somerset

An Act to restrain extravagant and excessive Interest

An Act for Erecting the upper Parts of the County of Hunterdon into a County.

An Act for Naturalizing Peter Tranberg and others

An Act continuing an Act entitled an Act for the more Speedy Recovery of Legacies that have or may be given in this Province and for affirming such Acts of Administrators, bona fide, done before Notice of a Will

An Act for the Trial and Punishment of Persons guilty of Larceny under the value of Twenty Shillings

An Act for Regulating Taverns, Ordinaries, Inn-Keepers and Retailers of Strong Liquors

After which His Excellency made the following Speech

Gentlemen

I should have been very glad, if this first Session of the General Assembly of New Jersey, under a Separate Governour, had been answered the great Hopes entertained by the

Inhabitants on their Meeting, and the General Expectation of the Neighbouring Provinces of the Result of their Consultations, What has been the Issue of them, our Enemies will tell with Exultation and our Friends with Blushing and Reluctance hear It must be own'd the Governour neither directly nor indirectly meddled with their Elections being out of the Province at that time, to avoid giving any room for the least umbrage of Suspicion on that head It is also known to all that this has been the longest Uninterrupted Session, and most Expensive to the Publick, that ever was known in Jersey: but alas; what Laws has it produced for the Benefit of the Inhabitants or advantage of the Crown worthy of the Expence of Time and money that has been employed about them, which might by a Number of men Suitably disposed, and Solicitous for the Publick good have been done in a week, or a fortnight at most, as you too well Know what has been the Reason of those so wonderfully Slow and Expensive Proceedings to so little purpose, so in Justice to your Country, as well as yourselves, they ought to be made Publick; that such among you who made it their Business to obstruct and defeat the Endeavours for the General Good may not have a Second oppertunity of doing the like; or, if rechosen, that the Blame may be Justly Transferred to their Constituents; who then will be supposed to approve of their past Conduct, and to elect them a Second Time, to give them an oppertunity of persisting in it (if possible) with greater Assurance; but, untill I see [it] done, I shall hardly believe them Capable of being Infatuated to so great a Degree, because if I am not very much misinformed, the generality of the Inhabitants highly disapprove of the Conduct of some of their Representatives; and have more than once, Sent Messages to them (tho' without effect) to let them Know it

The Extraordinary Slow and delatory Proceedings on the Bill for the Support of the Government, was matter of Admiration to all Men of Honour and Sincerity, who heartily wish'd well to the present Separation and Prosperity

of this Province; and many of you very well Know, by w^t^ Vile Crafts, and unbecoming Arts the Ignorant Dupes to the Enemies of it, have been wrought upon to obstruct it, I wish I could not say, with too much Success

On this occasion, I ought not, nay, I cannot omit giving my thanks to those worthy Gentlemen in your House deservedly to be Esteemed and Stiled, the friends of the Government, by whose constant Application, Diligence, & unwearied Endeavours, the application of the money heretofore raised for the Support of the Government, has been brought the length it is now Carried, against so many Efforts and Secret Insincere attempts to defeat it. I wish I could with any truth say, it is so ample, as from the Publick Promises and address made to His Majesty, and the Circumstances of the Province, was reasonably expected or the Nature of things required The Provision for the officers of the Government being too Scanty for the Services required; some Necessary officer's wholly Neglected, and no Provision made for Incidental Charges, that upon many occasions & Emergencies will be Necessary to be Expended; and without which no Government can be maintained and Supported; but, it being the Greatest application the friends of the Government and their Country (as is said) were able to procure at this Juncture, when no means were left unessayed to render their honest Endeav^rs^ tottally ineffectuall, lest therefore their opposers should Triumph in being Successfully Mischievous in doing so, I gratefully accept of what is done; not as being Sufficient, but as an Earnest of what ought to be and what I hope will be done, when the Enemies of our happy Constitution, and present Settlem^t^ have it less in their Power, and (if Possible) less in their Inclinations, to Succeed in attempts against it; and the friends of it more knowledge and Stability, than to be Influenced by them—

And here I must not decline expressing my great concern, for the Difference lately arisen between the two Branches of the Legislature the Council and Assembly; not about the

amendment of a money Bill the donation of which first arose in the Assembly, and which by the King's Letters Pattent (the only thing that Establishes the Constitution of Government here, and gives the Power of making Laws of any kind) the Council think themselves entitled to amend if there be occasion; as much as to amend, or propose any other Bill; but, about a Conference desired by the Council, upon the Subject Matter of a Bill made for the application of money already raised and paid into the Treasury; and, by the Acts that raise it (which have had the Royal Assent) appointed to be disposed of to and for the Support of Governm^{t} *in such sort, manner and form, as by the Governour, Council and General Assembly shall be directed. This* matter you not only refused to Conferr upon but, (notwithstanding that by those Acts an equal Power with your selves was given to the Council, to Direct in the Disposition of that money) you wholly Excluded them from any Directions in that matter, declaring it to be your opinion that it cou'd neither be for the Interest of the Province nor Consistant with the Privilidges of your House, *to admit* (mind and Remember the word) *of any alteration to be made therein:* That is, in other words, you by the Plenitude of a Power you thought fit to assume to yo^{r} selves with an unconquerable and unalterable Resolution to adhere to it will not admit the Council to do, what by the Laws now in force with Relation to that matter, they are as much impowered to do as yourselves—

I shall be very Sorry for their sakes, as well as the Publick, if any of the friends of the Government, and present Settlement (of whose hearty Endeavours for the Publick Service I had conceived so favourable an opinion) have by too great Zeal for Imaginary Priviledges, destitute of Law or Reason to Support them and inconsistent with the Constitution, been unwarily led into a Declaration and Practice, of so Dangerous a Tendency and without any Example (that I know of) to support it but a very bad one

How pleased should I have been, if this unaccountable

Difference, so big with Dangerous Consequences to the Publick Safety, and well being of this Province, had not at this time happened; but since it has the Duty of my Station obliges me to lay this whole affair before His Majesty, who can best Judge of this matter and how agreeable the Conduct of the Present Assembly has been to the Publick Addresses made to him; and to what might, on this occasion have been Expected from them, in Return for the favour of a Separate Governour granted them; as the People will [see?] how well they have used the great Time and oppertunity given them (at so great a Charge to the Publick) of being serviceable to their country; which I should have been glad, I could, with Truth say, had been employed so much for the advantage of the Inhabitants of this Province, as ought to have been done on this occasion; or, as might have been done at a much less Expence of time and money by men better agreeing among themselves—

It has been long since observed by a very Learned man that Parliments do not Succeed well in five Cases; which observation repeated Experience has Confirmed to be true. to omitt the rest the third of these Cases, is, when there is no good Correspondence between the Lords and Commons: The fourth when there is no Unity and good agreement between the Commons themselves.

It may be admitted to compare small things with great, it is but too Evident, that there is far from a good Correspondence at present between the Council and Assembly; or any liklyhood of there ever being so while the Assembly consists of the same Members it doth at this Time—Their difference being upon a point so Essential to the Constitution of this Government, that the Council cannot consistent with their duties give up; and unless the time of this long and Expensive Sessions, has been Consum'd in acting a grave Farce, in order to Convince me, with how great Difficulty an Assembly is to be prevailed upon, to raise any Support for the Government, or, even to Consent to the application of it to that purpose tho' formerly rais'd for that end, and now

in the Treasury: it is but too Notorious, that during the sitting of this Assembly there has been no Unity and good agreement among themselves, nor doth there appear any liklyhood of there being any such agreement as there ought to be, for the future, or, that a Second Session of the same Men will prove more advantageous to the Publick, than this first very long one has done—

I do therefore, by Virtue of the Powers and Authorities given unto me by His Majesty, by his Letters Patent under the great Seal of Great Britain Dissolve this present General Assembly and they are accordingly dissolved

LEWIS MORRIS

At a Council held at Perth Amboy the 17th day of August 1739.[1]

Present

His Excellency Lewis Morris Esq[r] President

John Hamilton
James Alexander
Cornelius Van Horne } Esq[rs]
Robert Hunter Morris
Fenwick Lyell

His Excellency laid before this Board sundry Letters from England on His Majesty's Service which he this day received by an Express from the Lieut[t] Governor of New York Viz:, one to the Governor of Pensilvania, one to the Hon[ble] —— Penn Esq[r] one to the Governor of Maryland, Two to William Gooch Esq[r] Governor of Virginia, and one to S[r] Yelverton Payton Commander of the Hector; His Excellency then requested the Opinion of this Board whether He should hire an Express to carry them to the Governor of Pensilvania; It was the Opinion of this Board that such Express be

[1] The ensuing minutes to August 8th, 1740, are of the Council as the Governor's Privy Council, and as a Court of Errors. Then follows the Journal of the Council as a branch of the General Assembly. This is the manner in which the records were transmitted to England.

Hired forthwith for that purpose and that the Charge thereof be paid by the Treasurer.

His Excellency laid also before this Board a Letter he had receiv'd this day by the aforesaid Express from New York from His Majesty's Principal Secretary of State in the following Words Viz[t]

Whitehall June 15[th] 1739

Sir

As it was stipulated by the Convention concluded between His Majesty and the King of Spain on the 14[th] of January last N. S. that the Sum of Ninety five thousand pounds Sterling should be paid at London within the Term of Four months to be reckoned from the day of the Exchange of the Ratifications of the said Convention as a Ballance due on the part of Spain to the Crown and Subjects of Great Britain, and as the said Term of four months from the Exchange of the Ratifications of the Convention, did Expire on the 25[th] day of May last, and the payment of the said Sum of Ninety five thousand pounds Sterling Agreed by the said Convention has not been made according to the Stipulation for that purpose[1] by which means the Convention above mentioned has been manifestly violated and broke, and his Majestys Subjects remain without any satisfaction or Reparation for the many great and grievous losses sustained by them His Majesty

[1] Spain had been harassed by contraband trade between Jamaica and the Spanish colonies, and to break it up her guarda costas had often seized and confiscated vessels engaged in illicit trade, or with illicit goods on board. The British traders made violent complaints against these seizures, which they termed illegal and unjust. Spain and England also had a long-standing dispute over the title to Florida, Georgia and part of South Carolina. Moreover, the South Sea Company claimed heavy damages from Spain for seizures of their effects between 1718 and 1727. After much negotiation the convention of January 14th, 1739 (N. S.), was signed, whereby Spain agreed to pay £95,000 in full of all demands, but the Spanish Minister signed it only after declaring that it should not be binding upon his King unless Spain was paid £68,000 due for depredations by the South Sea Company. British public sentiment was against this, and it was not paid. Moreover, the British indignantly denied the right of search asserted by Spain, and also demanded that she relinquish her claims to Georgia and Carolina. Sir Robert Walpole used all his prodigious influence and consummate address to accommodate the existing differences peaceably, but the Duke of Newcastle and the opposition, as well as the King himself, were all eager for war, and carried the day, war with Spain being declared October 19th, 1739.—*Memoirs of Sir Robert Walpole, by William Coxe*, London, 1798, I., Chapters 52 and 53; III., 513 *et seqq.*

has thought himself Obliged to take such Measures on his part as are necessary for the Support of the Honour and Dignity of his Crown, the Security of the just rights of His Subjects, and the Good and safety of His Dominions, and has therefore Ordered the Ships and Effects of the King of Spain and His Subjects to be Seized and taken wherever they shall be met with; with which I am Commanded to acquaint you that you may cause the same to be made known in all Places under Your Government to the end that His Majesty's Subjects in those parts may be upon their Guard, to prevent any mischief they might otherwise suffer from the Spaniards in Revenge for the measures which His Majesty is obliged to take to do Himself and His Subjects justice; and that they may in their several Stations annoy the Subjects of Spain in the best manner they are able. And I send you herewith by the Kings Order His Majesty's Warrant under His Royal Sign Manual authorizing and Empowering you to Grant Commissions of Marque and reprisal for arming and fitting out private Ships of War against the Ships Goods and Subjects of the King of Spain. And it is His Majesty's Pleasure that you should be very Rigorous and severe in preventing any Ammunition or Stores of any kind from being carried to the Spaniards, And you are to use all proper methods that may be most Effectual for this purpose

I am Sir
Your most obedient Humble Servant
HOLLIS NEWCASTLE

His Excellency laid also before this Board His Majesty's Warrant mentioned in the above Letter in the following words Viz:

George R.

Trusty and well beloved We Greet you well. Whereas Several unjust Seizures have been made and Depredations carried on in the West Indies by Spanish Garda Costas and Ships acting under the Commission of the King of Spain, or

His Governors contrary to the Treaties Subsisting between us and the Crown of Spain, and to the Law of Nations, to the great prejudice of the lawfull Trade and Commerce of Our Subjects; and many Cruelties and Barbarities have been Exercised on the Persons of Such of our Subjects whose Vessels have been so Seized by the Spanish Garda Costas; And whereas frequent Complaint has been made to the Court of Spain of these unjust practices and no Satisfaction nor Redress been procured; And Whereas a Convention for making reparation to our Subjects for the Losses Sustained by them, on account of the unjust Seizures and Captures above mentioned was concluded between us and the King of Spain on the 14th day of January last N. S., by which Convention it was stipulated that a certain Sum of money should be paid at London within a Term specified in the said Convention as a Ballance due on the part of Spain to the Crown and Subjects of Great Britain; which Term did Expire on the twenty fifth day of May last, and the payment of the said Sum agreed by the said Convention has not been made according to the Stipulation for that purpose by which means the Convention above mentioned has been manifestly violated and broke by the King of Spain and Our Subjects remain without any Satisfaction or reparation for the many great and grievous Losses sustained by them; We have thought fit for the vindicating the Honour of Our Crown and for procuring reparation and Satisfaction for our injured Subjects to Order Reprisals to be made upon the Crown and Subjects of Spain. And we do therefore by Virtue of these Presents Authorize and Empower You to Issue forth and Grant Commissions of Marque and Reprisal to any of our loving Subjects or others who shall apply to you for the Same and whom you shall deem fitly qualified in that behalf, for arming and fitting out private Ships of War for the Apprehending Seizing and taking the Ships Vessels and Goods belonging to the King of Spain His Vassals and Subjects or any inhabiting within His Countries Territories & Dominions in the West Indies. Provided always that before any such

Commission or Commissions be Issued forth Security be given upon every such Commission as hath been used in such Cases. And you shall incert in every Commission to be so Granted by you all such Clauses, and give such directions, and Instructions to the Person or Persons to whom you shall Grant such Commission, as have been usual in Cases of the like nature. And for so doing this shall be your Warrant,[1] and so We bid you farewell. Given at our Court at Kensington the fifteenth day of June 1739 in the thirteenth Year of our Reign

By His Majesty's Command
HOLLIS NEWCASTLE

(Directed) To Our Trusty and Well beloved Lewis Morris Esq[r] Our Captain General and Governor in Chief of our Province of Nova Cæsarea, or New Jersey in America, and in His absence to our Commander in Chief, or to the President of Our Council of our said Province for the time being. New Jersey.

It is the Opinion of this Board that His Excellency do Issue a Proclamation Notifying the Substance of the said Letter and Warrant and forbiding all His Majesty's Subjects of this Province to carry any Ammunition or Stores of any Kind to the Spaniards

And the said Proclamation follows in these words Viz[t]

By His Excellency Lewis Morris Esq[r] Captain General and Governor in Chief in and over His Majesty's Province of Nova Cæsarea or New Jersey and the Territories thereon depending in America, and Vice Admiral in the Same &c.

A Proclamation

Whereas several unjust Seizures have been made & Depredations carried on in the West Indies by Spanish Garda

[1] The declaration of war, setting forth the grounds upon which it was based, as above, was drafted by the Duke of Newcastle, and was ably criticised by Horace Walpole.—*Memoirs of Sir Robert Walpole, ut supra*, III., 546-9.

Costas and Ships acting under the Commission of the King of Spain or his Governors contrary to the Treaties subsisting between his Majesty and the Crown of Spain and contrary to the Law of Nations to the great prejudice of the lawfull Trade and commerce of his Majestys Subjects, and many Cruelties and Barbarities have been exercised on the Persons of Such of His Majesty's Subjects whose Vessels have been so seized by the said Spanish Garda Costas. And whereas frequent Complaint has been made to the Court of Spain of those unjust practices and no satisfaction or redress been procured; And whereas a Convention for making reparation to His Majesty's Subjects for the losses Sustained by them on Account of the unjust Seizures and Captures above mentioned was Concluded between His majesty and the King of Spain on the 14th day of January last N. S. by which Convention it was Stipulated that the Sum of Ninety five Thousand pounds Sterling should be paid at London within a Term specified in the said Convention as a Ballance due on the part of Spain to the Crown and Subjects of Great Britain which Term did Expire on the twenty fifth day of May last, and the payment of the said Sum agreed by the said Convention has not been made according to the Stipulation for that purpose, by which means the Convention above mentioned has been manifestly violated and broke by the King of Spain, and his Majesty's Subjects remain without any satisfaction or reparation for the many great and griveous Losses sustained by them; His Majesty for these reasons has thought fit, for the Supporting and vindicating the Honour and Dignity of His Crown, for procuring reparation and Satisfaction for his injured Subjects, and for the Security of their just rights and the good and safety of His Dominions, to order Reprisals to be made upon the Crown and Subjects of Spain, and that the Ships and Effects of the King of Spain, and his Subjects be Seized and taken wherever they shall be met with; To which end His Majesty has by his Warrant under His Royal Sign Manual Authorized and Empowered me to Grant Commissions of Marque and Reprisal to any of

His loving Subjects or others who shall apply to me for the Same and whom I shall judge fitly qualified in that behalf for Arming and fitting out private Ships of War for the apprehending Seizing and taking the Ships Vessels and Goods belonging to the King of Spain, His Vassals and Subjects or any Inhabiting within His Countries Territories and Dominions in the West Indies. I Have therefore in obedience to His Majesty's Commands thought it necessary to Publish and make the Same Known to all His Majesty's Subjects under my Government, to the end that they may be upon their Guards Hereby in pursuance of the said Royal Commands Strictly forbidding all His Majesty's Subjects within this Province to carry any Ammunition or Stores of any Kind unto the Spaniards as they will answer the contrary at their utmost Peril Given under my Hand and Seal at Arms at the City of Perth Amboy in the Province of New Jersey this Seventeenth day of August in the Year of our Lord 1739 and in the thirteenth Year of his Majesty's reign

LEWIS MORRIS

God save the King

At a Council Held at Perth Amboy the 1st day of September 1739.

Present

His Excellency Lewis Morris Esqr Governour &c

John Rodman
Robert Hunter Morris } Esqrs
Fenwick Lyell

His Excellency having represented to this Board the necessity of appointing proper Officers for Morris County in Order to prevent a failure of Justice The Board unanimously Recommended the following Persons,

John Bud	Judges	Timothy Tuttle	Quor:	Justices
John Mott		Samuel Swisey		
Abraham Kitchin		Daniel Cooper		
John Lindsly Junr		Ephraim Price		
Jacob Ford		John Orison		
		Abraham Van Campen		
		Isaac Vandine		

Caleb Fairchild Coroner, Samuel Gouverner Clerk

And His Excellency was pleased to Order the Secretary to make out Commissions accordingly

It being represented to His Excellency by the Council that several of the Sherrifs of the Counties and Cities of this Province have neglected to give in the Security required for the due discharge of their Offices, It is thereupon Ordered by His Excellency with the advice of this Board that the Several Sherrifs of the Counties and Cities of this Province do enter into Recognizance to our Sovereign Lord the King in the Sum of Eight hundred pounds with two Sufficient Sureties being Freeholders of their respective Counties and Cities with Condition according to the Form hereafter Viz: The Condition of the above Recognizance is Such That if the above Bound A. B. Sherif of the County (or City) of M. shall and do in all things touching and pertaining to his said Office of Sherif for the County (or City) of M. well truly and faithfully Execute and perform the Same then the above Recognizance be so Void otherwise to remain in full force and Virtue.

Ordered that any one of the Judges of the respective Counties or Mayors of Cities do require the Sherrifs of their Counties or Cities to enter before them into such Recognizance and Transmit the Same to the Secretaries Office of any one of the Divisions of this Province on or before the third Tuesday in October next and in case of refusal of any of the Sherrifs after being thereto duly required to enter into Recognizance as aforesaid then the said Judges or Mayors by Letter to acquaint the Secretary thereof on or before the time above mentioned.that His Excellency and this Board may be informed thereof

Ordered that the Clerk do Transmit to the Judges of the several Counties and Mayors of the several Cities Copies of the above Order.

His Excellency laid before the Board several Petitions and Addresses to Him presented from several Persons which were Read and the Consideration thereof deferred till the next meeting of the Council, several of Members being Absent notwithstanding of their having been twice Summoned by Order of his Excellency to attend the Service of this Board and the said Petitions &c. were Ordered to remain with the Clerk till that time.

His Excellency Signed the following Warrants for one Quarters Sallary to the following Persons Commencing the 23^{d} of March last and ending the 23^{d} June 1739.

N° 40..	His Excellency.....	250 „ — „ —
41..	Robert Hunter Morris Esq^{r} Chief Justice.....	37 „ 10 „ —
42..	Joseph Bonnel Esq^{r} Second Judge.....	10 „ — „ —
43..	Joseph Warrel Esq^{r} Attorney General..	10 „ — „ —
44..	Archibald Home Esq^{r} Clerk of the Council	7 „ 10 „ —
45..	Andrew Johnston Esq^{r} Treasurer of the Eastern Division.....	10 „ — „ —
46..	John Allen Esq^{r} Treasurer of the Western Division.....	10 „ — „ —
47..	James Hooper Esq^{r} Clerk of the Circuits	5 „ — „ —
48..	John White Door Keeper of the Council.....	2 „ 10 „ —

At a Council Held at Perth Amboy the 23d day of November 1739

Present

His Excellency Lewis Morris Esqr Govr &c.

John Hamilton
Robert Hunter Morris } Esqrs
Fenwick Lyell

The Clerk Reported that he had received the Recognizances of the following Sherrifs Vizt

James Hooper Sherrif of Perth Amboy City
The Same, Sherrif of New Brunswick City
The Same, Sherrif of Middlesex County
James Stevenson Sherrif of Monmouth County
William Chetwood Sherrif of Essex County
Oliver Schuyler Sherrif of Bergen County
Thomas Hunloke Sherrif of Burlington County
The Same, Sherrif of Burlington City
Samuel Harrison Sherrif of Gloucester County

Ordered that the sd Recognizances be filed in the Secretarys Office

His Excellency with the Advice of this Board was pleased to Order a Patent to be made out appointing Charles ONeill[1] Clerk of the Peace and Clerk of the Court of Common Pleas for the County of Salem during his good behaviour in the Room of William Cosby who had resigned His Patent for said Office in favour of the said ONeill which Patent to Mr Cosby was during good behaviour with power to appoint a Deputy.

Mr Morris desires his Dissent may be Entered to the above Advice, because he is unacquainted with the Said Charles ONeill, and therefore cannot recommend him to an Office of Trust.

His Excellency Signed Warrants for a Quarters Sallary to

[1] This is the earliest appearance of so Celtic a name in these Archives. O'Neill held the office until 1748.—*History of the Counties of Gloucester, Salem and Cumberland*, Philadelphia, 1883, p. 323.

the following Persons Commenceing the 23d day of June and Ending the 23d day of September last Vizt

N° 49.	His Excellency	£250 „ — „ —
50.	Robert Hunter Morris Esqr Chief Justice	37 „ 10 „ —
51.	Joseph Bonnel Esqr Second Judge	10 „ — „ —
52.	Joseph Warrell Esqr Attorney General	10 „ — „ —
53.	Archibald Home Esqr Clerk of the Council	7 „ 10 „ —
54.	Andrew Johnston Esqr Treasurer of the Eastern Division	10 „ — „ —
N° 55.	John Allen Esqr Treasurer of the Western Division	£10 „ — „ —
56.	James Hooper Esqr Clerk of the Circuits	5 „ — „ —
57.	Adminx of John White late Doorkeeper of the Council	2 „ 10 „ —
58.	Andrew Johnston for the Use of Richard Partridge Agent for the Province a Half Years Sallary Commencing the 23d day of March & Ending the 23d of September last	40 „ — „ —
59.	His Excellency for a Years Rent of a House Commencing Septr 23d 1738 and ending Sepr 23d last	60 „ — „ —

At a Council Held at Perth Amboy the 24th day of November 1739

Present

His Excellency Lewis Morris Esqr Governor &c.

John Hamilton
Robert Hunter Morris } Esqrs
Fenwick Lyell

This Board taking into Consideration the recommendation of Persons proper to be appointed to the several Civil and Military Commissions for this Province do find the necessity of the attendance of the Members of Council (several of whom have not appeared tho thrice thereunto Summoned) Do unanimously request his Excellency that he will be pleased to Direct that the absent Members be Summoned peremptorily to attend.

Ordered that the Secretary do write to the Several absent members and acquaint them that all Excuses set aside His Excellency requires their attendance at Perth Amboy on Friday the thirtieth of this Instant November and that in case they neglect to attend on that day, He shall think himself obliged to lay an account thereof before His Majesty, They having been before this three times successively summoned and did not appear.

At a Council Held at Perth Amboy the 1st day of December 1739

Present

His Excellency Lewis Morris Esqr Govr &c.

John Hamilton John Reading William Provoost Cornelius Van Horne	Esqrs	John Schuyler John Rodman Robert Hunter Morris Fenwick Lyell	Esqrs

His Excellency laid before the Board a Letter of the 5th July last from the Lords of Trade inclosing Copies of addresses to His Majesty from both Houses of Parliament concerning the Paper Currency or Bills of Credit of the several British Collonies in America and requiring His Excellency forthwith to prepare and Transmit with all possible Speed the Several accounts mentioned in the Said addresses.

Ordered that the above Letter &c. be Referred to a Committee of this Board to consider of the several accounts

therein required and to make a Report of the same to be Transmitted to the Lords of Trade with all possible Speed.

Ordered that Mr Hamilton Mr Morris and Mr Lyell be a Committee for that purpose and they have power to send for Persons Papers and Records

His Excellency was pleased to ask the Opinion of the Council whether they thought it necessary that he should meet the General Assembly of this Province on the day to which it now stands prorogued Vizt the 7th Decr instant or that he should further prorogue the Same and to what time, On which the Council unanimously advised His Excellency that he should continue to Prorogue the General Assembly of this Province by short prorigations to some time in the first week of April next, before which time they do not apprehend there is any necessity of meeting Them.

The Council Recommended to His Excellency the following Persons to be by Him Appointed to the Commissions of Pleas and Peace for the following Counties

Cape May

Jacob Spicer Humphrey Hughs Henry Young William Smith Robert Townsend	Judges of the Pleas and Justices of the Quorum
Henry Stites Richard Stites Ebenezer Swain	Justices of the Quorum
Joseph Ludlam Junr William Smith Junr Nathaniel Foster	Justices

Elijah Hughs.....Clerk
Constant Hughs.....Sherrif
John Stites.....Coroner

Salem

Benjamin Actor	Judges of the Pleas and Justices of the Quorum
Josiah Fithian	
John Pledger	
Richard Smith	
Clement Hall	
Joseph Reeves	Justices of the Quorum
John Brick	
William Hancock	
John Ogden	
Thomas Miles	
Isaac Sharpe	
Lewis Morris	
Johnathon Fithian	Justices of the Peace
Job Shepherd	
David Davis	
Richard Word	
Moses Shepherd	
John Peterson	
Samuel Barnes	
Renier Vanhuise	

Gloucester

That a Supersedeas do Issue to remove William Harrison from the Commission of the Peace and Pleas, and in his room in the Com^{n} of the Peace John Ladd Jun^{r}

Burlington

Isaac De Cow	Judges of the Pleas & Justices of the Quorum
Jacob Heulings	
Hugh Sharpe	
Richard Smith Jun^{r}	
William Cook	

Robert Pearson	Justices of the Quorum
Thomas Shinn	
William Morris	
John Hollinshead	
Johnathon Wright	
Revel Elton	
Joseph Borden	
Richard Wright	Justices
Zebulon Guarit	
Thomas Newbold	
Robert Smith	
Samuel Woolman	
Jonas Farrow	
Robert Field	

Hunterdon

William Morris	Judges of the Pleas & Justices of the Quorum
Benjamin Smith	
John Dagworthy	
Isaac Herring	
Martin Ryerson	
Andrew Smith	Justices of the Quorum
Theophilus Philips	
Jasper Smith	
Abraham Van Horne	
John Vansickland	
John Stevenson	
Thomas Cadwallader	
William Atly	
Daniel Doughty	
William Mott	Justices of the Peace
John Garison	
Peter Praule	
Philip Ringo	
Ralph Hunt of Stony brook	
John Philips	

Morris County

Solomon Davis of the Quorum
Abraham Vanaker to be added

Somerset

Thomas Leonard John Corle John Van Midleswarth Paul Miller Gizebert Lane	Judges of the Pleas & Justices of the Quorum
Daniel Griggs Zebulon Stout John Ayers John Berrien	Justices of the Quorum
Joseph Hegeman George Rapelier Jacob Vandeaveer John Broughton Jacob Janeway Henry Slone	Justices of the Peace

Middlesex

James Hude Samuel Leonard Edward Antill Robert Hude Henry Freeman Ezekiel Bloomfield	Judges of the Pleas & Justices of the Quorum
John Heard Jeremiah Field [1]Dalius Hegeman Benjamin Hull Richard Cutter James Thomson Stephen Warne	Justices of the Quorum

[1] Dallins, Dolins, Dollings.—*N. J. Archives*, VI., 455, 465; VII., 64, 206, 458.

William Tinall	Justices of Peace
Johnathon Dennis	
John Webb	
Benjamin Doughty	
Ebenezer Saltar	
Samuel Nevill	
James Smith	

Essex

Johnathon Crane	Judges of the Pleas and Justices of the Quorum
Andrew Joline	
Samuel Farrand	
Matthias Hatfield	
Thomas Price	
Samuel Harrison	Justices of the Quorum
Stephen Brown	
John Rolph	
Joseph Man	
John Ogden Jun^{r}	
Eliphelet Johnson Jun:	
John King	
Samuel Clark	Justices of Peace
Noadiah Potter	
John Blanchard	
John Crane	
John Ludlow	
Thomas Clark	
George Freeland	
Stephen Van Courtland Jun^{r}	
George Emott	
John Halstead	

Bergen

William Provoost	Judges of the Pleas & Justices of the Quorum
Isaac Vangiese	
Henry Vandelinda	
David Demarest	
Paulus Vanderbeek	
James Duncan	
Archibald Kennedy	Justices of the Quorum
Ryer Ryerson	
Roelif Vanhoute	
Derick Kuyper	
David Abramse Akerman	
Benj: Demarest	
David Provoost	Justices of the Peace
Lawrence Vanbuskirk	
John Berry	
William Kurtland	
Garret Hornbeck	
John Vanhorn	
Peter Post	
George Reyerson Jun^{r}	
Jacobus Bartolf	
Peter Marselius	
Johannes Post	
John Berdan Jun^{r}	

Ordered by His Excellency that the Secretary do make out Commissions of the Peace and Pleas according to the foregoing Lists

'M^{r} Schuyler having several times by Letter requested His Excellency to Dismiss him from the Council Board in regard that his affairs at Home will not admit of His attendance in Council when thereunto Summoned now moved that His Excellency would be pleased to dismiss him accordingly, which His Excellency being very unwilling to do was pleased to ask the advice of the Council on that head.

The Council having taken the Same into Consideration gave it as their Unanimous Advice that His Excellency should dismiss M^r^ Schuyler from the Council Board the Causes by him urged for his said desire appearing to them highly reasonable.

And His Excellency was pleased to Dismiss John Schuyler Esq^r^ from this Board accordingly

The underneath is a Copy of a Letter wrote by M^r^ Schuyler to His Excellency on the above Subject

New Barbados Neck Jan^ry^ 21^st^ 1739

May it please your Excellency

I was just now Honoured with Your Commands by a Letter from the Secretary of this Province to require my attendance in Council on the 23^d^ Instant—my indisposition at present renders it impossible to comply with your Excelleny's Summons and it is with regret I cant possible attend his Majesty's Service in Council at the time you are pleased to require my attendance—Some time since I earnestly requested your Excellency to interceed with His Majesty to dispence with my Acting as a Councellor of this Province not from any unwillingness to serve to the utmost of my power the best of Kings, but the circumstances of my affairs are Such that it is impossible for me to attend the Service of His Majesty and the Country without Suffering incredible damage.

When His Majesty was pleased to appoint me one of the Council of His Province of New Jersey I receiv'd the Honour with all the Gratitude becoming a Subject firmly attached to His Majesty and his illustrious House

The Care of all my Fathers affairs being immediately intrusted to me in this Province the Vast number of Hands imployed in the Mines Stamping Mills and other things necessary for carrying on the works,[1] and the absolute necessity of my being continually on the Spot without which every thing must go to ruine makes me again renew my inter-

[1] The copper mines at Second River, opposite Belleville.

cession to your Excellency that you will use your Endeavours with his Majesty to appoint some Person capable to do His Majesty Service in my room and you will lay an indispensable obligation on Sir Your Excellency's most dutifull and obedient Servant[1]

JOHN SCHUYLER

At a Council Held at Perth Amboy the 4th day of December 1739

Present

His Excellency Lewis Morris Esq^{r} Governor &^{c}

John Hamilton
John Reading
William Provoost
Cornelius Van Horne
John Rodman
Robert Hunter Morris
Fenwick Lyell
} Esq^{rs}

John Hamilton Esq^{r} from the Committee to whom was referred the consideration of the Letter from the Lords of Trade Reported (as p^{r} Copy herewith sent) which Report was approved of

Ordered that the Secretary do prepare a Draught of an Ordinance Establishing Courts of Quarter Sessions and Common Pleas in and for the County of Morris and that M^{r} Hamilton M^{r} Morris and M^{r} Lyell do consider of and agree on the times proper for holding the said Courts.

Peter Savery Sergeant at Arms laid before this Board an Account of Sundry Services by him done for the Government amounting to three pounds twelve Shillings which Account was approved of.

The Council recommended to His Excellency the following Persons for Comm^{ns} in the Militia of this Province

[1] See N. J. Archives, VI, 105.

For Cape May and Salem Regiment

Jacob Spicer Collonel
Nicholas Gibbon Lieut. Collonel
Henry Young Major

Gloucester & Burlington Regiment

Peter Baynton Coll°
James Hinchman L^t^ Coll°
Charles Read Major

Middlesex

Andrew Johnston Coll°
James Hude L^t^ Coll°
Richard Cutter Major

Monmouth

John Throckmorton Coll°
John Reid L^t^ Coll°
John Little Major

Essex

Josiah Ogden Coll°
Peter Bayard L^t^ Coll°
John Low Major

Bergen

William Provoost Coll°
Isaac Van Guise[1] L^t^ Coll°
Reyer Reyerson Major

M^r^ Reading and M^r^ Van Horn are desired to inform themselves of the Persons proper to be appointed Military Officers in the Counties of Hunterdon Somerset and Morris and to Transmit their names to His Excellency with all convenient Speed in order to be laid before this Board at their next meeting.

It is proposed by His Excellency and Unanimously agreed

[1] Van Giesen.

to by this Board That whereas the great distance of the Habitations of Several of the Members of this Board from His Excellencys Place of Residence renders it difficult for them to give the due attendance in Council when Summoned at a Short warning. They shall hereafter (besides all possible obedience to His Excellency's Summons as occasion Shall or may require) for the more certain dispatch of Business meet four times in the Year, Viz: on the last Tuesday in the months of March, June, September and December, at His Excellencys then place of Residence. And this Agreement shall be looked upon and Deemed by every Member of this Board as a good and sufficient Summons to meet in Council on the days before mentioned. The first Quarterly meeting to be on the last Tuesday in March next.

At a Council Held at Perth Amboy the 29th day of December 1739

Present

His Excellency Lewis Morris Esqr Governor &c

John Hamilton
Robert Hunter Morris } Esqrs
Fenwick Lyell

His Excellency Signed Warrants for a Quarters Sallary to the following Persons commencing the 23d day of September last and ending the 23d of December Instant

N° 60.	His Excellency	£250 „ — „ —
61.	Robert Hunter Morris Esqr Chief Justice	37 „ 10 „ —
62.	Joseph Bonnel Esqr Second Judge	10 „ — „ —
63.	Joseph Warrell Esqr Attorney General	10 „ — „ —
64.	Archibald Home Esqr Clerk of the Council	7 „ 10 „ —
65.	Andrew Johnston Esqr Treasurer of the Eastern Division	10 „ — „ —

66. John Allen Esq[r] Treasurer of the Western Division..... 10 „ — „ —
67. James Hooper Esq[r] Clerk of the Circuits..... 5 „ — „ —
68. Admin[x] of John White late Doorkeeper of the Council..... 2 „ 10 „ —

Copy of the Report Mentioned in the foregoing Minutes sent therewith

John Hamilton Esq[r] from the Committee to whom was referred the subject matter of the two several Resolves of the Hon[ble] the House of Lords and House of Commons of Great Britain Reported That no paper Bills or Bills of Credit subsisted or passed (by virtue of any Act or Acts of the General Assembly of this His Majesty's Province of New Jersey) in payment in the Year 1700, nor untill the Year 1709, when £3,000 at the rate of money at eight Shillings an Ounce in paper Bills of Credit were made and Created by an Act of the General Assembly of the said Province, to Defray the necessary Expence of Forces raised in the said Province to go in Her late Majesty's Expedition against Canada That afterwards in the Year 1711 £5,000 in like Bills of Credit were in like manner made and created, for the like Use and purpose That afterwards in the Year 1716 £4670 in like Bills of Credit were in like manner made and created, to defray the necessary Expence of Supporting His Majesty's Government in this Province, All which Several three Sums of money were afterwards raised by Taxes on the Inhabitants of the said Province, paid into the Treasury here, and Sunk and destroyed, pursuant to the directions of Several Acts of the General Assembly of this Province—That afterwards by another Act of General Assembly made and passed in the Year 1723 £40,000 (money according to Her late Majesty's Proclamation directed in and by an Act of Parliament Intituled An Act for ascertaining the rates of Foreign Coins in the Plantations in Bills of Credit were made and Created. That £36,000, part thereof was paid and returned into the

Treasury aforesaid, in twelve Years after its being first Issued, that is to say, in annual payments at the rate of £8 ,, 10/. per Cent for the first ten Years, and in payments of £7 ,, 10/ ℔ Cent ℔ Annum for the two last Years, which said Sums of money, so annually paid as aforesaid were Sunk and destroyed pursuant to the directions of the said Act, and £4,000 residue of the said £40,000 was raised on the Inhabitants of this Province by an Annual Tax of £1,000 and paid Sunk and destroyed accordingly. That afterwards by another Act of the General Assembly of this Province made and passed Anno Domini 1730—£20,000 of like money as last mentioned were made and created and Issued in the Year 1733, and by another Act made and passed in the Year 1733 £40,000 like money in Bills of Credit were made and created and Issued in the Year 1737, which Several before recited Sum of money, are all the Paper Bills which have at any time heretofore been Issued, made or Created, in this Province. And the £20,000 and last mentioned £40,000 are all the Bills of Credit which are Subsisting or passing in payment in this Province, and were at the several times above mentioned lent out to Borrowers on the Mortgage of their Lands, and the whole thereof to pass current in payments during the Term of Eight Years, from the several times of the said Bills being issued as aforesaid, and are severally thereafter to be paid into the Loan Offices of this Province, in eight annual equal payments, and then to be sunk and destroyed as will more particularly appear, reference being had to the last mentioned two Acts of General Assembly.

And the said John Hamilton Esq[r] further Reported from the Committee aforesaid, That from the best recollection they could make and information they could receive, That the Exchange between Sterling money of Great Britain, and the Bills of Credit of this Province from the first time of their being made current aforesaid, to the Year 1714, was at £50 ℔ Cent advance and that from the Year 1714 the Exchange had gradually risen to £65, and within four months last past has risen to £70. And the said John Hamilton further

reported that in the Year 1700 and to the Year 1715 Spanish and ffrench Pistoles pass'd, and were receiv'd in payment, and were bought and Sold for, in paper Bills (when the same were current in any part of that time for 26/, and Spanish pieces of eight were in like manner pass'd and taken and bought for paper Bills at the rate of 8/ an ounce, and that from the Year 1715 to this time, Such like Pistoles have gradually risen to 28/. and pieces of 8 to 9/ ℔ ounce and so in proportion all other Gold & Silver has been taken bought and received. Which Report they humbly Submitted to His Excellency and this Hon^ble Board.

Dated 4^th 10^br 1739 By order JOHN HAMILTON Ck.

At a Council held at Perth Amboy March 26^th 1740.

Present

His Excellency Lewis Morris Esq^r &c.

John Hamilton
James Alexander
Cornelius Van Horne } Esq^rs
John Rodman

The Petition of James Carnes and other Inhabitants of the County of Morris praying that part of the said County lying within the Bounds in the said Petition mentioned may be Erected into a particular Precinct or Township &c. was read and the Consideration thereof deferred till to Morrow.

M^r Alexander arose from his Seat at the Board, & with M^r Price made a Motion that the following Rule agreed on between them be made an Order of this Board (Viz)

Aaron Deane Plttf in Error
ag^st
James Fenn Defendant

Robert Lettis Hooper Esq^r[1] late Chief Justice of this Province who sign'd the Minutes of the Bill of Exceptions in

[1] Died in March, 1738. See Field's Provincial Courts of New Jersey, 129.

the Cause in the Supreme Court on which this Writ of Error is brought being dead before Sealing the said Bill of Exceptions at length It is now by Consent of the Attorneys & Counsel in this Cause agreed to Wave & renounce all Objections on that Head, And that the Bill of Exceptions at length now delivered to the Clerk of this Board affix'd to the Transcript of the Record formerly filed with the Clerk of this Board shall be as effectual as if sealed by the said late Chief Justice, And the Plttf Assigns the general Error, And the Defend^{t} gratis do's plead in Nullo est erratum.

And by Consent of the Council on both Sides it is Ordered that this Cause be heard on the fourteenth day of May next at Burlington if the Council shall then there sit or the next time of the Sitting of the Council that shall happen after the said Day in Case it do not then sit.

Ja: Alexander of Council for the Plttf & by order of Costigin his Attorney.

Benj. Price Att. ℔ Def.

M^{r} Alexander took his place again at the board.

His Excellency laid before the Board Petitions against and in favour of Samuel Harrison High Sherrif of the County of Gloucester, as also several Depositions concerning the s^{d} Harrison which were read, and the Consideration of them deferr'd till to morrow,

Then the Board adjourned to

March 27th

Present

His Excellency Lewis Morris Esq^{r} &^{c}

John Hamilton James Alexander Cornelius Vanhorne	Esq^{rs}	John Rodman Robert Hunter Morris Fenwick Lyell	Esq^{rs}

The Petition of James Carnes &^{c} pursuant to the Order of yesterday was Read & taken into Consideration.

Ordered that the Petitioners do set up Advertisements at all the places of publick Worship, and other publick places in the said County of Morris, setting forth in the said Advertisement the Boundaries & Extent of the place they pray to have erected into a Township or Precinct, that such persons as have objections to the Granting the Prayer of the Petitioners (if any such there be) may be heard, & shew Cause on the first day of May next at Burlington why the Prayer of the said Petitioners should not be granted.

The several Petitions concerning Samuel Harrison Esq^{r} pursuant to the order of yesterday were again Read, & taken into Consideration.

Ordered that the said Samuel Harrison do attend this Board at Burlington on the third Tuesday in May next & that the Clerk do inform him thereof & serve him with a Copy of the Petition against him.

The Memorial of Hugh Lord Clinton was presented to the Board by Robert Hunter Morris Esq^{r} & read, which Memorial is in the following words.

To his Excellency Lewis Morris Esq^{r} Capt^{n} General & Governour in Chief of the Province of New Jersey & Territories thereon depending in America & Vice Admiral of the same in Council.

The Memorial of Hugh Lord Clinton Sheweth.

That he is intitled to three several Judgments in the Supreme Court of New Jersey in the name of Peter Warren against Daniel Coxe of the County of Hunterdon Esq^{r} upon two of which there is due to your Memorialist the Sum̃ of one thousand pounds Sterling by each of them with Interest from the Sixteenth day of November 1730 & upon the third Judgment there is due to your Mem^{lst} the Sum of Eight hundred & Seventy five pounds Sterling with Interest from the time aforesaid besides the Costs of the said several Judgments.

That the said Daniel Coxe is dead, and the said several Judgments do remain unsatisfyed, by reason whereof there is a great Probability that your Mem^{lst} will be under a necessity

of carrying the said several Judgments into Execution against the Estate of the said Daniel Coxe which lies in the County of Hunterdon, & that by Writs of Execution directed to the Sherriff of the same County.

That upon the first of the said Judgments there is about Two thousand Five hundred pounds proclamation money to be levied to Satisfie the same & the like sum to be Levied to satisfy the Second, And should the Sherriff for the Time being not have Estate or Security in his office sufficient to answer for the Sums so to be levied your Mem[lst] may be in Danger of losing the Sums so to be levied.

May it therefore please your Excellency the premises considered to do therein what is reasonable to prevent the Danger that your Mem[lst] might be in as afores[d]

CLINTON[1]

And thereupon it was mov'd by M[r] Morris that it might be an Order of this Board that the Sherriff of the County of Hunterdon do give in Security in the Sum of £2500 procl[n] money.

It is the Opinion of this Board that the Sherriff of Hunterdon for the Time being do enter into Security with two or more sufficient Sureties being Freeholders in this Province in the Sum of £2500 proclamation Money till the several Judgments mentioned in the above Memorial are Satisfyed if any fit person can be found to undertake the Office on such Conditions.

His Excellency was pleas'd to Sign Warrants to the following persons for a Quarters Sallary commencing the 23[d] Day of December last & ending the 23[d] Day of this Instant March (Viz[t])

No. 69	His Excellency.....	...£250 „ — „ —
70.	Robert Hunter Morris Esq[r] C Justice	37 „ 10 „ —
71.	Joseph Bonnel Esq[r] 2[d] Judge.....	10 „ — „ —
72.	Joseph Warrell Esq[r] Attorney Gen[ll]...	10 „ — „ —

[1] See N. Y. Col. Docs., V., 817, 818.

73.	Archibald Home Esq^{r} Clerk of the Council	7 „ 10 „ 0
74	Andrew Johnson Esq^{r} Treasurer of y^{e} East^{n} Division	10 „ — „ —
75	John Allen Esq^{r} Treasurer of the West^{n} Division	10 „ — „ —
76	James Hooper Esq^{r} Clke of the Circuits	5 „ — „ —
77	Robert Frye Doorkeeper of the Council	2 „ 10 „ —

At a Council held at Perth Amboy March the 29th 1740.

Present
His Excellency Lewis Morris Esq^{r} Governour &c.

John Hamilton
James Alexander } Esq^{rs}
R. Hunter Morris

His Excellency having laid before the Board the several Recommendations he had receiv'd of Officers for the Militia in the County of Essex was pleased pursuant to the Advice of the Council present to order Commissions to be made out for the said County.

At a Council held at Burlington April the 16th 1740.

Present
His Excellency Lewis Morris Esq^{r} Governour &^{c}

John Wills
John Reading } Esq^{rs}
John Rodman

Richard Smith
R. Hunter Morris } Esq^{rs}
Fenwick Lyell

His Excellency was pleased to lay before the Board a Letter from his Grace the Duke of New Castle his Majesties

principal Secretary of State dated at Whitehall October the 29th 1739, inclosing his Majestys Declaration of War against the King of Spain & commanding the same to be published in the most effectual Manner throughout this Province, And his Excellency was pleased to desire the advice of this Board in what Manner the said Declaration of War should be published throughout this province.

It is the Opinion of this Board that the Governour do Order the several Regiments in this province to attend under Arms in such places as he shall direct with all the Convenient Speed that may be, And that his Majesties Declaration of War be then and there published in the most Solemn manner.

His Excellency was likewise pleased to lay before the Board another Letter from his Grace the Duke of New Castle Dated at Whitehall Janry the 5th 1739 communicating to his Excellency his Majestys Intentions of an Expedition against some of the Spanish Settlements in the West Indies, and requiring him to invite his Subjects in this Province to join in the attempt with Promise of all due Encouragement and Reward &c. which was read.

Resolved that the said Letter and the matters therein contained be taken into Consideration to morrow

April 17th 1740

Present

His Excellency Lewis Morris Esqr Governour &c.

John Wills, John Reading, Cornelius Vanhorne } Esqrs

John Rodman, Richd Smith, Ro. Hunter Morris, Fenwick Lyell } Esqrs

His Grace the Duke of New Castle's Letter mentioned in the Minutes of yesterday was taken into Consideration.

It is the unanimous Advice of this Board that His Excellency do forthwith issue a Proclamation inviting his Majestys

Subjects within this Government chearfully to inlist in his Majesties Service and assuring them that proper Encouragement will be given them for their Serving his Majesty on this occasion.

Whereupon His Excellency was pleased to Order a Proclamation to be prepared accordingly

April 18th 1740

Present

His Excellency Lewis Morris Esqr Governour &c

John Wills, John Reading, Corns Vanhorne } Esqrs
Richard Smith, Robt Hunter Morris, Fenwick Lyell } Esqrs

The Proclamation ordered on the 17th was laid before the board, read and approved of, & a fair Copy thereof being Sealed and signed by His Excellency the same was ordered to be published with all due Solemnity at 3 o'clock this afternoon, and that the Kings Printer be ordered to print five hundred Copies and send them to the Secretary as Soon as possible

By His Excellency

Lewis Morris Esqr Captain General & Governour in Chief in and over his Majestie's Province of New Jersey & the Territories thereon depending in America and Vice Admiral in the same &c.

(L. S.) A Proclamation

His Majesty having declared War against the King of Spain for Reasons in his Royal Declaration of the Nineteenth of October in the thirteenth year of his Reign particularly set forth, and being determined to prosecute the Same with the Utmost vigour in the most effectual manner particularly by making an attempt upon Some of the most considerable Settlements belonging to the Spaniards in the West Indies, has been pleased for that purpose to order a Large Body of

Troops under the Command of my Lord Cathcart, General and Commander in Chief of all his Majesties Troops sent to or raised in America to goe from England with a Sufficient Convoy of Ships of War to the West Indies which are to [be] joyned by the Squadron under the Command of Admiral Vernon now there, & by such a Number of Troops as may be raised in his Majesty's Colonies & Islands in America; which it has been represented to His Majesty may Amount to a considerable Number; particularly in his Colonies on the Continent of America who might be easily had upon proper Encouragem[t] to be given to these new Levies This his Grace the Duke of New Castle his Majesty's principal Secretary of State has by his Letter informed me, it is his Majestys Royal Intention to do, by ordering them to be Supply'd with Arms and proper Cloathing and to be paid by his Majesty and assur'd of their coming in for their Share of any Booty, that shall be taken from the Enemy: And of their being sent back to their respective Habitations when the Service shall be over, unless any of them shall desire to Settle themselves elsewhere.

His Majesty intends to conferr the Honour of Commanding these Forces to be rais'd in America upon Col. Spotswood an old experienc'd Officer[1] who has resided amongst them Twenty five Years and has his Estate fix'd in this part of the World; who (they may be assur'd will use his Utmost Endeavours in their behalf that Justice shall be done them, in the due share of the Booty, and in all other Respects, and his Majesty will also order to be Sent by Col: Blakeney, who is appointed Adjutant General in this Expedition his more particular orders, and Number of blank Commissions to be fill'd up and given by me to Officers who are to Command the Troops rais'd here under Col Spotswood, which I shall

[1] Col. Alexander Spotswood, Governor of Virginia, 1710–1723. He took part, and was wounded, in the battle of Blenheim. He was the first white man who passed over and explored the Alleghany Mountains. For his achievement on this occasion he received the honor of Knighthood from King George. He died soon after his appointment as commander of the American forces to be raised against Spain, and before even those forces went into service. William Gooch succeeded him as commander of the Colonial troops.

dispose of to such persons as I shall Judge most Capable and have Contributed most effectually to the promoting this Expedition

The Injuries and Losses which the Inhabitants of the British Colonies[1] have suffer'd by the Violence and Depredations of the Spaniards have been so many and gross as to be Motive Sufficient without any other to engage them in particular, vigorously to Exert themselves Accord[s] to their Ability in promoting any attempt against their cruel and faithless Enemies; But when to this is added the great Encouragem[t] given by his Majesty in paying them himself and ordering them to be Supplyed with Arms & Cloathing necessary and suitable for them And to be returned to their Several Habitations when the Service shall be over, unless any of them shall desire to settle elsewhere; and the nature of the Expedition is such as gives so fair & probable a Prospect of a Vast Extent of their Trade and Vent for their Produce (the Want of which is so generally complained of) upon the whole an Expedition in which they are to share the Benefits expected from it, and, being successful, must be of Vast advantage to the Northern Colonies: I therefore persuade myself all his Majesty's Subjects in this Province will think it their Duty in every Station to exert themselves with a Necessary & laudable Zeal to the utmost of their Power in promoting this glorious Undertaking in which the Honour of his Majesty's Crown & the Interests of his Subjects here are so essentially concern'd Which, by his Majesty's Command I hereby invite them in their several Stations to doe; assuring them that a Suitable Behaviour on this occasion will be remark'd and recommended to His Majesty's Notice

I have the better to promote this undertaking by and with the advice of His Majesty's Council appointed the Under mentioned persons in the Several Counties of this Province to take the names of such persons as shall be willing to Inlist in his Majesties names to take Service which they are hereby required in his Majesties name to take, That the persons so

[1] The English logwood cutters at Campeachy, and the salt gatherers in the Tortugas.

inlisting may be ready to repair to such place as I shall appoint for their Rendevous when Col Blakeney who is daily expected arrives with the Money, Cloaths and Arms designed for Arming paying and Supplying them

In Cape May Henry Young Richard Downs

In Salem Dan[l] Mestayer, Do[r] Gardiner Edw[d] Lummis

In Gloucester James Hinchman Joseph Cole

In Burlington Peter Baynton Charles Reed Joseph Leeds

In Hunterdon John Reading Martin Ryerson William Attle

In Morris County John Budd Samuel Green

In Somerset Cornelius Van horne Robert Lettis Hooper[1] Derrich Van Veighton

In Monmouth John Throckmerton, William Osburne, John Lisle, John Brown, Elisha Lawrence

In Middlesex James Hude Samuel Leonard, John Heard, Tho[s] Barlow

In Essex Andrew Joline Josiah Ogden Peter Bayard

In Bergen David Provoost and John Schuyler

Given under my hand & Seal at Arms at Burlington in the Council Chamber the Ninteenth day of April in the thirteenth year of His Majesties Reign Anno Dom̃i 1740

LEWIS MORRIS

By his Excellencys Command

ARCH: HOME Secry.

God Save the King

May 14[th] 1740

Present His Excellency Lewis Morris Esq[r] Governour &[c]

Jn[o] Hamilton, Jn[o] Reading, Rich[d] Smith } Esq[rs]

Rob: Hunter Morris, Fenwick Lyell } Esq[rs]

His Excellency was pleased to desire the Board to consider of, & recommend to him a Person well Qualifyed to be appointed High Sherriff of the County of Morris

[1] The younger.

At a Council held at Burlington May 16th 1740.

Present
His Excellency Lewis Morris Esqr Governr &c.

Jno Hamilton
Jno Rodman
Richd Smith
Ro: Hunter Morris } Esqrs

Aron Dean pltff
v
James Fenn Deft } In Error

Pursuant to a former Rule, Counsel were heard on both sides, and on Motion of Mr Costigin for the pltff in Error Ordered That the Pltff in Error have leave to reply to the Argument of the deft in Error on the last Tuesday in June next and that the Council for the deft in Error may if they think fit add to the Arguments Already offered Ordered, that the Consideration of the Complaints against Samuel Harrison Esqr High Sherriff of the County of Gloucester be deferr'd till Thursday the Twenty ninth Instant and that the Clerk do acquaint the said Samuel Harrison therewith

At a Council held at Burlington May 30th 1740

Present
His Excellency Lewis Morris Esqr Govr &c.

Jno Reading
Jno Rodman
Richard Smith } Esqrs

Ro: Hunter Morris
Fenwick Lyell } Esqrs

His Excellency having been pleased to desire that this Board would recommend to him a Person well qualify'd to be by him appointed High Sherriff of the County of Morris

The Board unanimously recommended John Kinney as a

Person well qualify'd and proper to be by His Excellency appointed High Sherriff of the County of Morris

Ordered that the Secretary do make out a Commission accordingly

His Excellency was pleased to desire that as the board had for some time past under their Consideration a person proper to be appointed high Sherriff of the County of Hunterdon, they would now proceed to recommend a Person accordingly.

Then the Board unanimously recommended David Martin a person well qualify'd and proper to be by His Excellency appointed High Sherriff of the County of Hunterdon

Ordered that the Secretary do make out a Commission accordingly

Samuel Harrison high Sherriff of the County of Gloucester appearing pursuant to the order of this Board, and Several Witnesses for and against the said Harrison having been heard, the further Consideration was deferr'd to Tuesday the Seventeenth of June next

At a Council held at Burlington June 9th 1740.

Present

His Excellency Lewis Morris Esqr Governr &c

Jno Reading, Jno Rodman, Richard Smith } Esqrs

Ro: Hunter Morris, Fenwick Lyell } Esqrs

His Excellency having Communicated to the Board the Information he had received from the Hon^ble George Thomas Esqr Governr of Pensilvania of one Robert Jenkins shortly Expected from London into that or this Province with a Considerable Sum of Counterfeit Bills of the Currency of New Castle Kent and Sussex on Delaware and of this Province, as also that one Peter Long said to be a Cousin to the said Jenkins had got printed in London about three years agoe a large Sum of Counterfeit Bills of Credit and had dis-

posed of the same or great part thereof in this and the neighbouring Provinces, was pleased to desire the advice of this board what Measures should be taken in relation to this matter

Ordered with the unanimous Advice of this Board that Clement Hall Esq^{r} one of the Magistrates of the County of Salem and James Hinchman Esq^{r} one of the Magistrates of the County of Gloucester do take particu^{r} Care to issue their respective Warrants at such time as they shall think Proper for Apprehending the said Robert Jenkins on his Coming into either of the said Counties and to Secure his Effects so that the same may be search'd in order to discover the Counterfeit Bills in the above Information mentioned as also to Issue their Warrants for apprehending such other Persons and Searching their Houses as they shall have Reason to believe are concern'd with said Jenkins or the said Long or anyways in Counterfeiting or Uttering Such Bills that they may be proceeded against according to Law, And that the Clerk of this Board do by Immediate Express send the said Magistrate Copies of the above Minute and of this order, & that he do direct the s^{d} Magistrates to keep this Matter as much a Secret as the nature of it will admit agreeable to the Service required of them, and that they do from time to time Transmitt to the Clerk of this Board an Account of their Proceedings therein

His Excellency laid before the Board a Petition from Abraham Anderson of Maidenhead in the County of Hunterdon complaining of undue Practices of Francis Costigin Attorny at Law as also a Letter from the s^{d} Anderson craving Protection for his Person in order to make good the Allegation in his said Petition contained

Ordered that the said Abram̃ Anderson be heard to his said Petition on the Tuesday the Twenty fourth Instant and that he be protected in Prosecuting his complaint before this board

Ordered that the Clerk do Serve Francis Costigin Att^{ry} at Law with a Copy of said Petition.

His Excellency also laid before the board the Petition of William Merrill which upon reading appearing to contain General Charges only

Ordered, that the said Petition be returned to the Pet^{r} & that he be Informed that the charges therein contained are so general & uncertain that the board cannot proceed upon them.

His Excellency informed the Board that *John Wills* one of the Members of His Majesties Council came to take his leave of him & told him he was no longer able by Reason of his Age & Infirmities to attend the Council and his Excellency having considered thereof does think it fit that the said John Wills should be Suspended from further Attending the Council board till his Majesties pleasure be known concerning the same, & required the opinion and advice of the board therein

His Excellency also informed the board that *Cornelius Vanhorne* Esq^{r} one of the Members of his Majesties Council had told him that he could not without the utmost prejudice to his private affairs attend the Service of this board and therefore desired to be dismiss'd therefrom, & his Excell^{y} having considered thereof does think it fit that the said Cornelius Vanhorne Esq^{r} be Suspended from further attendance of this Board and required the Opinion and advice of the board therein,

Whereupon the Board gave it as their Unanimous opinion & advice that the said *John Wills & Cornelius Vanhorne* should be by his Excellency suspended from further attending the Service of this Board and from Sitting voting and acting as Members of His Majesty's Council[1]

Ordered that John Wills and Cornelius Vanhorne be and they are hereby suspended accordingly

His Excellency further observed to the Board that *William Provoost* Esq^{r} one of the Members had not attended this Board during the Sitting of this Assembly (that he knew of) that he had not given his Excellency any Reasons for his Absence nor had wrote to him on that or any other head and

[1] See N. J. Archives, VII., 106.

desired to know of the Members of the Council if he had wrote to any of them on that head if he had His Excellency desired to know what the reasons were that he gave and if he had not why they did not take Measures to compel his Attendance

To which the Council gave for answer that the said William Provoost had not wrote to any of them, and that they had by a Letter from their Clerk since the Sitting of this Assembly, in a pressing manner required his Attendance and that afterwards they sent for him by the Serjeant at Arms attending the Council, which Serjeant at Arms reported that M^r^ Provoost had promis'd him to Set out from his House in order to attend y^e^ Council on Monday the Nin-teenth day of May last, since which they have not heard anything from the said William Provoost

Then his Excellency ask'd the board what their opinion was of M^r^ Provoost's Conduct was who were unanimously of opinion that M^r^ Provoost has been guilty of a Neglect of his duty as a Member of His Majesty's Council

Then His Excellency demanded of the board whether the absence of M^r^ Provoost was any Delay or Prejudice to y^e^ Publick Service

To which it was unanimously answered that it was both

His Excellency then desired the advice of the board thereon and the board gave it as their advice that the said William Provoost should be Suspended

At a Council held at Burlington June 17^th^ 1740.

Present

His Excellency Lewis Morris Esq^r^ Govern^r^ &^c^

Jn^o^ Hamilton
Jn^o^ Rodman
Rob: Hunter Morris
} Esq^rs^

The Governour and Council in presence of a Committee of the House of Assembly, appointed for that purpose burn't and destroyed the following Sums of Money in Bills of Credit laid before them by John Allen Treasurer of the Western Division of this Province Viz^{t}

Four hundred & forty Eight pounds in Bills of Credit cancel'd before the Governour & Council July 14th 1726 four hundred & Sixty eight Pounds nineteen Shillings in Bills of Credit cancelled before the Gover^{r} & Council August 14th 1727.

Four Hundred & fifty eight Pounds nine Shillings and Six pence in Bills of Credit Cancelled before the Govern^{r} & Council January 20th 1728.

The Governour and Council &c. also burn't and destroyed the sum of one Hundred and forty Six pounds seven Shillings & Six pence laid before them by John Allen Esq^{r} for that end in Bills of Credit of the year 1724 Viz^{t}

9	at £3	£27 „ — „ —
26	@ 30/	„39 „ — „ —
32	@ 15/	„24 „ — „ —
38	@ 12/	„22 „ 16 „ —
41	@ 6/	„12 „ 6 „ —
50	@ 3/	„ 7 „ 10 „ —
100	@ 1/6	„ 7 „ 10 „ —
111	@ 1/	„ 5 „ 11 „ —
2 Small bundles		„— „ 14 „ 6
		£146 „ 7 „ 6

At a Council held at Burlington June 18th 1740.

Present

His Excellency Lewis Morris Esq^{r} Gover^{r} &c.

Jn° Hamilton, Jn° Rodman } Esq^{rs} Richard Smith, Rob. Hun^{r} Morris } Esq^{rs}

The Complaints against Samuel Harrison High Sherriff of the County of Gloucester having been fully heard, as also the defence of the said Harrison His Excellency was pleased to desire the opinion of the board therein

On which the board unanimously requested his Excellency that they might have Time allowed them to consider thereof before giving their opinion which his Excellency was pleased accordingly to allow

At a Council held at Burlington June 20th 1740

Present
His Excellency Lewis Morris Esqr Governr &c.

John Reading
Richd Smith
Ro : Hunr Morris } Esqrs

The Governr and Council in presence of a Committee of the House of Assembly appointed for that purpose burn't and destroyed the following Sums of Money Vizt

Fifty Eight Pounds thirteen Shillings and Six pence in Bills of Credit laid before them by John Allen Esqr Treasurer of the Western Division of this Province being part of the £4000.

Eighty Pounds Seven Shillings and Sixpence in Bills of Credit laid before them by Michael Kearney formerly Treasurer of the Eastern Division of this Province.

At a Council held at Burlington June 24th 1740.

Present
His Excellency Lewis Morris Esqr Governr &c.

Jno Hamilton
Jno Reading } Esqrs

Richard Smith
Jno Rodman
Ro : Hunter Morris } Esqrs

James Fenn
Dem John Nevill
Deft ads.
Aaron Dean Plttf } In Error

M^r Kinsey having argu'd the Cause for the Deft and M^r Costigin for the plantff also argu'd prays further Time for the Plttfs Council to answer he having not Seen M^r Kinseys Argument It's thereupon Ordered that the pltts Council have a Months time to answer the said Argument and that he Serve the deft^s Council with a Copy thereof the Def^ts Council serve the pltfs Council with there Reply thereunto in a month following and that the party's Serve the Govern^r and Council with Copys of the said Arguments so as the Cause may be peremporily heard on the last Tuesday in September next

Abraham Anderson
Pet^r ag^st
Francis Costigin

His Excellency in Council read and Examined several Bills of Costs and Minutes of Court relating to the said Complaint and deferr'd the further Consideration thereof till to Morrow

At a Council held at Burlington June 25^th 1740.

Present
His Excellency Lewis Morris Esq^r Govern^r &c.

Jn° Hamilton
Jn° Reading
Jn° Rodman } Esq^rs

Richard Smith
Rob : Hun^r Morris } Esq^rs

The Board resumed the Examination of the Complaint of Abraham Anderson, and M^r Costigin praying Time might be allowed him to produce a Certificate from the Clerk of the Court of his having taken out a Writt ag^st Anderson charged in a Bill of Costs the same was allowed him

At a Council held at Burlington June 26th 1740.

Present

His Excellency Lewis Morris Esqr Govr &c.

Jno Hamilton, Jno Reading, Jno Rodman } Esqrs

Richard Smith, Ro: Hunr Morris } Esqrs

His Excellency by Direction from his Grace the Duke of New Castle laid before the board, some Instructions from His Majesty, relating to the intended Expedition against the Spanish Settlements in the West Indies, which were read and having by the Secretary commanded the attendance of the House of Assembly he was pleased to make to them the following Speech

Gentlemen

His Majesty having been called upon by the repeated Provocations to declare War against Spain is determined by Gods assistance in so Just a Cause to Vindicate the Honour of his Imperial Crown, assert the undoubted Rights of his Subjects to Commerce and Navigation and by all possible means to attack annoy & distress a Nation that has treated his People with so much Insolence and Barbarity

He has therefore given orders for the equipping & Setting forth of an Expedition against the Territories of the Catholick King in the West Indies which will Consist of a Large Squadron of his Majesty's Ships of War and a considerable Body of his Majesty's Land forces with a Train of Artillery Store Ships and Transports suitable

His Majesty hath also determined to raise a body of Troops in his Colonies on the Continent of North America to joyn those to be Sent from England at a particular Rendezvous appointed for that purpose & to Act in Conjunction with them, and although he hath not thought fit to fix any particular Quota for his Province of New Jersey because he would not Set bounds to their Zeal for his Service, yet he

doth not in in the least doubt but they will Exert themselves with a becoming Earnestness on this occasion as farr as the Circumstances of the Country will allow; His Majesty being assured they cannot Render a more Acceptable Service to himself or to their Mother Country, or do any thing more essential to their own Interest

His Majesty therefore trusts and Expects that his Loyal Assembly of New Jersey will provide Victualls Transports and all other Necessaries for the Troops to be raised in the Province Except their Cloaths Tents Arms Ammunition and Pay till their Arrival at the General Rendezvous In the West Indies from which time the said Troops shall enter into His Majestys Pay.

This I am commanded to Let you know and in his Majesty's name to recommend to you the making of such Provision that the Expedition be not retarded for want thereof

This I now do, and doubt not you will in this Case Act as becomes a Loyal House of Representatives for his Majestys Service and Your own Immortal Honour

LEWIS MORRIS

June 26th 1740

At a Council held at Burlington July 7th 1740

Present

His Excellency Lewis Morris Esqr Governr &c

Jno Hamilton
Richd Smith
Ro: Hunter Morris } Esqrs

His Excellency sign'd Warrants to the following Persons for one Quarters Sallary commencing the 23d day of March and ending the 23d day of June last Vizt

No 78	To Himself	£250 „ — „ —
79	Robert Hunter Morris Esqr Chief Justice	37 „ 10 „ —

80	Joseph Bonnel Esq^{r} Second Judge.....	10 „ — „ —
81	Joseph Warrell Esq^{r} Attorney Gen^{l}.....	10 „ — „ —
82	Arch^{d} Home Esq^{r} Clk of the Council...	7 „ 10 „ —
83	Andrew Johnston Esq^{r} Treasurer of the Eastern Division.....	10 „ — „ —
84	John Allen Esq^{r} Treasu^{r} of the Western Division.....	10 „ — „ —
85	James Hooper Esq^{r} Clk of the Circuits	5 „ — „ —
86	Robert Frye Door keeper of the Council.....	2 „ 10 „ —
87	Andrew Johnston Esq^{r} for the Use of Richard Partridge Agent for this Province at the Court of Great Britain for 3 quarters Sallary commencing the 23^{d} Sept^{r} and ending the 23^{d} day of June last.....	60 „ — „ —

His Excellency in pursuance of the Answer given by the Board to his sever^{l} Queries on the 9th of June last relating to the absence of William Provoost Esq^{r} one of his Majestys Council and the advice of the Board thereon was this day pleased to Suspend the said William Provoost from further attend^{g} the Service of this board and siting voting and acting as a Member of his Majesty's Council

At a Council held at Burlington August 1st 1740

Present

His Excellency Lewis Morris Esq^{r} Governour &c.

J^{no} Hamilton, Jno Reading, Jno Rodman } Esq^{rs}

Richard Smith, Ro: Hunter Morris } Esq^{rs}

His Excellency was pleased with the Advice of this Board to fill up his Majesty's blank Commissions for a Company in the Hon^{ble} Coll William Gooche's Regim^{t} of Foot raised within this Province in the following manner Viz^{t}

Captains Commission.....James Hooper
2[d] Lieutenants.....William Kidd
Ensigns do.....Lewis Stevens

The said James Hooper having used great Diligence and having his Company almost compleated

His Excellency with the Advice of the Board was pleased to appoint John Dear Sherriff of the County of Middlesex and of the City's of Perth Amboy and New Brunsw'k in the Room of James Hooper Esq[r] and to order the Secretary to make out Commissions accordingly

At a Council held at Burlington Aug[st] 2[d] 1740.

Present
His Excellency Lewis Morris Esq[r] Govern[r]

John Rodman
Rich[d] Smith
Ro: Hunter Morris } Esq[rs]

His Excellency was pleased to appoint Peter Baynton Esq[r] to be one of His Majesty's Council the number of Members residing within the Province being under Seven and he took the Usual Oaths to qualify him & took his Seat at the Board accordingly

His Excellency acquainted the board that he had some time ago granted warrants to George Thomas and Robert Farmar to raise men for his Majesty's Service in the Intended Expedition against the Spanish Settlements in the West Indies and that Robert Farmar had laid before him several Certificates the last of which bears date this day by which Certificates he alledges that he has compleated a Company according to his Majesty's Instructions but as it is highly probable that George Thomas may also have compleated a Company tho' the Certificates thereof were not yet come to His Excellency's hands his Excellency was pleased to ask the

advice of the board whether he should fill up his Majesty's blank Commission now remaining in his Possession to the said Robert Farmar or if a further Time should be allowed the said George Thomas to produce his Certificates that so the Commission may be given to such one of these Gentlemen as shall make it appear that his Company was first compleated

On which the Board unanimously gave it as their advice that George Thomas should be allow'd till Friday next the Eighth at noon to produce his Certificates, and that his Excellency should bestow his Majesty's blank Commission for a Captain now remaining In his possession on such one of the said Gentlemen as shall make it appear then that his Company was first compleated

At a Council held at Burlington August 4th 1740.

Present

His Excellency Lewis Morris Esqr Governr &c.

John Hamilton, John Rodman } Esqrs Richard Smith, Ro: Hunr Morris } Esqrs

His Excellency sign'd Warrants to the following Persons for their Attendance on the last Sessions of the General Assembly of this Province as ℔ act for the Support of Government Vizt

No 88.	To John Hamilton Esqr for his Attendance in Council 100 day's.....	£30	„ — „ —
89.	John Wills Esqr for 30 days..... ..	„ 9	„ — „ —
90.	John Reading Esqr 100 days.....	„30	„ — „ —
91.	Cornelius Vanhorne 20 days.....	„ 6	„ — „ —
92.	John Rodman 100 days.....	„30	„ — „ —
93.	Richd Smith 100 days.....	„30	„ — „ —
94.	Robert Hunter Morris 100 days.....	„30	„ — „ —
95.	Fenwick Lyell 100 days.....	„30	„ — „ —

96. Joseph Warrell Esq[r] Att[ey] Gener[l] 80 days Attendance..... „24 „ — „ —
97. Michael Kearney Esq[r] Clerk of the House of Representatives 100 days Attendance..... ..... „40 „ — „ —
N° 98. Peter Saverey Serjeant at Arms 113 days Attendance on the Council.... £16 „ 19 „ —
99. Andrew Robinson Serjeant at Arms 113 days Attendance on the House of Representatives.. ..... £16 „ 19 „ —

George Thomas and Robert Farmar mentioned in the Minutes of Saterday last both Attending. The Board proceeded to examine the Several Certificates produced by M[r] Farmar to prove the Completion of his Company, on which Examination it appearing to the board that the said Farmars Company was not compleated as was by him alledged; and George Thomas having acknowledg'd to the Board that his Company was not yet quite compleated tho' it was very near so, and having produc'd sufficient vouchers that he had already marched at least Seventy seven Men to Perth Amboy and had Inlisted many more.

The Board gave it unanimously as their advice that Robert Farmar be ordered to Muster his Company at New Brunswick before James Hude or William Ouke Esq[r] two of his Majesty's Justices of the Peace and Limpany White one of the British Lieutenants who are to view the men and see that they are fit for his Majesty's Service and that y[e] Men of which the said Company Consists be all of them Sworn before one of the above Justices and their several names Included in one general Certificate to be Signed by the said Justices or either of them and the s[d] Lieutenant

That George Thomas be also ordered to Muster his Company at Perth Amboy before John Hamilton or Fenwick Lyell Esq[r] and Hugh Lyon another of the British Lieutenants to be viewed Sworn and Certify'd in the manner above directed, and that his Excellcy will be pleased to fill

up his Majesty's blank Commission for a Captain to such one of the said Gentlemen as Shall first have a full and compleat Company certify'd as aforesaid and if their Company's shall both appear by the said Certificates to be compleated on the same day, that then and in such Case he will be pleased to bestow the said Commission on Such one of them as he by the advice of this Board shall think most for his Majesty's Service and give such Certificate to the other as shall be requisite in the Case.

At a Council held at Burlington Augst 8th 1740

Present
His Excellency Lewis Morris Govern^{r} &^{c}

Jn^{o} Rodman	Robert Hunter Morris	} Esq^{rs}
Richard Smith	Peter Baynton	}

His Excellency laid before the Board the Certificates delivered in to him by George Thomas and Robert Farmar of their having Compleated their respective Companies in the Manner required by the Minute of the 4th Current, and it appearing by the said Certificates that both their Companys were mustered compleated sworn and certifyed on the same day, His Excellency was pleased to ask of the Board which of these Gentlemen they would recommend to him, and advise him as most for His Majesty's Service to appoint Captain, and have his name put into his Majesty's blank Commission for a Captain now Remaining in his Possession.

on which the Board unanimously advis'd his Excellency to fill up the said blank Commission and other his Majesty's blank Commissions remaining in his Possession in manner following Viz^{t}

To George Thomas	the Commission for	Captain
To Marshal Davis	do	Lieutenant
To W^{m} Ogilvy	do	Ensign

And that he would be pleased to give such Certificates as he shall think requisite for the other Company to the undermentioned Viz^{t}

To Robert Farmar as Captain
To Thomas Davis as Lieutenant
To Edward Seymour as Ensign

Proceedings of Council for the Province of New Jersey at a Sessions of General Assembly[1] of the said Province begun and holden at Burlington April the 10th 1740, to the 31st July 1740.

The General Assembly of the Province of New Jersey being by His Majesty's Writt Called to meet at Burlington on the 25th day of May 1739 and being by several Prorogations Continued to

Thursday April 10th 1740

When The House met & adjourned to

Wednesday 16th

Present

John Wills
John Reading
John Rodman
Richard Smith
Rob^{t} Hunter Morris
Fenwick Lyell
} Esq^{rs}

[1] The members of the popular branch were: *City of Perth Amboy*—Andrew Johnston, Lewis Johnston; *Middlesex*—Thomas Farmar, Robert Hude; *Monmouth*—John Eaton, Cornelius Vandervere; *Essex*—John Low, John Rolph; *Somerset*—John V. Middleswardt, Thomas Leonard; *Bergen*—Lawrence Van Buskirk, David Demarest; *City of Burlington*—Richard Smith, Isaac Pearson; *Burlington*—Mahlon Stacy, William Cook; *Gloucester*—Joseph Cooper, John Mickle; *Salem*—William Hancock, Richard Smith; *Cape May*—Aaron Leaming, Aaron Leaming, Jr.; *Hunterdon*—Benjamin Smith, Joseph Peace.—*N. J. Hist. Soc. Proceedings*, May, 1850. Leonard was elected in May, in place of Hendrick Fisher, declared ineligible.

His Excellency having Commanded the Attendance of this House as also the Attendance of the House of Representatives at His own House was pleased to open the Sessions with a Speech to both Houses

Then the House adjourned from day to day to

Tuesday April 29th

Present

John Hamilton
John Wells
John Rodman
Rich[d] Smith
Fenwick Lyell
} Esq[rs]

A Bill sent from the House of Assembly entitled an Act declaring how the Estate or Right of a Feme Covert may be Conveyed or Extinguished was read the first time and ordered a Second reading

As also another Bill from the House of Assembly, entitled an Act to enable the Freeholders in Conjunction with three Justices of the Peace to Chuse a Collector for each respective County within this Province[1] was read the first time and ordered a Second reading

Then the House adjourned to

Wednesday April 30th 1740

Present

John Hamilton Pres[t]
John Rodman
Rich[d] Smith
Fenwick Lyell
} Esq[rs]

The House adjourned to

[1] This is the origin of the office of County Collector in New Jersey.

Thursday May 1st

Present

John Hamilton Prest
John Rodman
Richd Smith
Robt Hunter Morris
Fenwick Lyell
} Esqrs

Mr Cook and Mr Damarest from the House of Assembly presented to this House for their Concurrence A Bill entitled an Act to prevent any Actions under Fifteen Pounds being brought into the Supream Court of this Province which was read the first time and ordered a Second reading

Colo Farmer, Mr Stacy and Mr Cooper, from the House of Assembly, presented to this House for their Concurrence a Bill entitled an Act for the more easy and speedy Recovery of small debts, which was read the first time and ordered a Second reading

The Bill entitled an Act declaring how the Estate or Right of a Feme-Covert may be Conveyed &ca was read a Second time, and committed to Mr Smith and Mr Lyell

Then the House adjourned to

Friday May 2d 1740

Present

John Hamilton Prest
John Reading
John Rodman
Richd Smith
Robt Hunter Morris
Fenwick Lyell
} Esqrs

The Bill entitled an Act to prevent any Actions under Fifteen Pounds being brought into the Supream Court &ca was read a Second time, and Committed to Mr Rodman and Mr Lyell

The Bill entitled an Act for the more easy and Speedy Recovery of small debts was read a Second time, and committed to M^r^ Reading, M^r^ Morris & M^r^ Lyell

M^r^ Morris moved the House for leave to bring in a Bill to oblige the Several Sherriffs of this Province to give Security, and take such Oaths as shall be therein directed, for the due discharge of their Offices.

Ordered That M^r^ Morris have leave to bring in a Bill accordingly

Ordered, That the Clerk do write to the Absent Members and require their immediate Attendance, and assure them that no Excuse will be admitted of

Then the House adjourned to

Saturday May 3^d^

Present

John Hamilton Pre^t^
John Reading
John Rodman
Rich^d^ Smith
Rob^t^ Hunter Morris
Fenwick Lyell
} Esq^rs^

M^r^ Lyell from the Committee to whom the Bill entitled an Act declaring how the Estate or Right of a Feme Covert may be conveyed or Extinguished, was referr'd reported the same without any Amendments.

Then the said Bill was read a third time and on the question put

Resolved that the said Bill do pass.

Ordered, That M^r^ Lyell do acquaint the House of Assembly, that this House has pass'd the said Bill without any Amendments.

M^r^ Morris pursuant to the leave given him, brought in a Bill entitled An Act to oblige the several Sherriffs of this Province to give Security, and to take the Oaths therein

directed for the due discharge of their Offices which was read the first time, and ordered a Second reading

Mr Lyell reported that he had obey'd the above order of this House

Then the House adjourned to

Monday May 5th 1740

Present

John Hamilton Prest
John Reading
John Rodman
Richard Smith
Robt Hunter Morris
Fenwick Lyell
} Esqrs

Mr Lyell from the Committee to whom the Bill entitled an Act to enable the Freeholders in Conjunction with three Justices of the peace &ca was referr'd, Reported, that they had gone thro' the Same and had made Several Amendments thereto, which he read in their places, and delivered in at the Table.

Ordered, that the said Bill with the Amendments be read, which was done accordingly and agreed to by the House

Ordered That Mr Smith do carry the said Bill with the Amendments to the House of Assembly, and desire their Concurrence thereto

A message from the House of Assembly, by Mr Pearson, and Mr Lowe concerning the Examination of the Treasures accots

Ordered That the said message do lye on the Table

The Bill entitled an Act to oblige the several Sherriffs &ca was read a Second time and Committed to Mr Smith, Mr Morris, and Mr Lyell

Then the House adjourned to

Tuesday May 6th 1740

Present

Jn° Hamilton Prest
Jn° Reading
Jn° Rodman
Richd Smith
Rot Hunter Morris
Fenwick Lyell
} Esqrs

Mr Morris moved for leave to bring in a Bill for Naturalizing Johannes Martinus Vanharlinghen, a Protestant Native of the United Provinces

Ordered that Mr Morris have leave to bring in a Bill accordingly.

Mr Morris moved that the Treasurers of this Province might be ordered to lay their several accots before this House, which Motion was unanimously approved of

Ordered that the Treasurers of this Province do lay their several Accos before this House, on or before the 13th day of this Month, and that the Clerk do serve the several Treasurers with a Copy of this Order

Mr R: Smith of Burlington and Mr Vandevere, brought up from the House of Assembly, a Bill entitled an Act for the better enabling of Creditors to recover their just debts from Persons who abscond themselves, for the Concurrence of this House which Bill was read the first time, and ordered a Second Reading.

then the House adjourned to

Wednesday May 7th

Present

Jn° Hamilton
Jn° Rodman
Richd Smith
} Esqrs

Adjourned to

Thursday May 8th

Present

Jn° Hamilton
Jn° Reading
Jn° Rodman
Rich^d Smith
Ro^t Hunter Morris
Fenwick Lyell
} Esq^rs

The Bill entitled an Act for the better enabling of Creditors to recover their Just debts &c^a was read a Second time, and committed to M^r Reading, M^r Rodman, and M^r Lyell

M^r Vanbuskirk and M^r Smith from the House of Assembly brought up a Bill entitled an Act concerning the acknowledging of Deeds and Conveyances of lands in each respective County of this Province, for the Concurrence of this House, which was read the first time, and ordered a Second read^g

M^r Cooper and M^r Demarest, from the House of Assembly, brought up a Bill entitled an Act for restraining the Burning of the Woods, Marshes and Meadows, for the Concurrence of this House, which was read the first time and ordered a Second reading

Col° Farmer and M^r Pearson from the House of Assembly, brought back the Bill, entitled an Act, to enable the Freeholders &c^a with the Amendments made thereto by this House, to all which Amendments that House Agrees, except the third, and fourth, and adheres to the Bill in the parts mentioned in the said two Amendments.

Which Bill with the Amendments being again read

Resolved, that this House do recede from their third and fourth Amendments to the said Bill

Ordered, that M^r Smith do carry the said Bill and Amendments to the House of Assembly and acquaint them with the above resolve

Then the House adjourned to

Friday May 9th 1740

Present

Jn° Hamilton
Jn° Reading
Jn° Rodman
Rich^d Smith
Rob: Hunter Morris
} Esq^rs

The Bill entitled an Act Concerning the Acknowledging and registring of Deeds &c^a was read a Second time, and Committed to the Gentlemen of the Councill, or any two of them.

Ordered that it be an Instruction to the said Committee to add a Clause to the said Bill that the said Act shall not be in force till after it hath received the Royal Assent.

The Bill entitled an Act for restraining the burning the Woods &c^a was read a Second time, and Committed to M^r Rodman and M^r Smith.

Then the House adjourned to

Saterday May 10th 1740

Present

Jn° Hamilton
Jn° Reading
Jn° Rodman
Rich^d Smith
Ro: Hunter Morris
Fenwick Lyell
} Esq^rs

M^r Benjamin Smith, and M^r Hude; from the House of Assembly, brought up a Bill entitled An Act for the Septennial Electing Representatives to serve in General Assembly of this Province, for the Concurrence of this House, which was read the first time and ordered a Second reading:

M^r Eaton and M^r Mickle, from the House of Assembly,

brought up a Bill entitled an act to explain what shall be a Legal Settlement for any Person in this Province, for the Concurrence of this House, which was read the first time and ordered a Second Reading.

Mr Morris from the Committee to whom the Bill entitled an Act to oblige the several Sherriffs &c^{a} was referr'd, reported that they had gone thro' and made several Amendments to the same which Amendments were read in their places, and agreed to by the House.

Ordered that the amended Bill entitled an Act to oblige the several Sherriffs &c^{a} be engross'd

Mr Morris pursuant to the leave given him, brought in a bill entitled an Act for Naturalizing Johannes Martinus Van Harlinghen[1] which was read the first time and ordered a Second reading

Mr Cooper, and Mr Vanmiddleswart, from the House of Assembly, brought up the engrossed Bill entitled an Act to enable the the Freeholders, in Conjunction with three Justices of the Peace, to Choose a Collector for each respective County within this Province; which Bill being compared;

Resolved that the said Bill do pass:

Then the House adjourned to

Munday May 12th 1740

Present

Jn° Hamilton
Jn° Reading
Jn° Rodman
Rich^{d} Smith
Ro: Hunter Morris
Fenwick Lyell

[1] Father of Rev. Johannes Martinus Van Harlingen, a distinguished clergyman of the Reformed Dutch Church, one of the original Board of Trustees of Queen's (now Rutgers) College, New Jersey.—*Corwin's Manual of the Reformed Church in America, 2d ed., 1869, p. 244.*

Mr Hancock, and Mr Rolf, from the House of Assembly, brought up a Bill entitled an Act to Extend an Act of Parliament entitled an Act for the more easy Recovery of debts in His Majesty's Plantations in America, and to direct the Sherriffs how they shall proceed in levying Executions by Virtue of the Same, for the Concurrence of this House

Resolved that the said Bill be rejected

The Bill entitled an Act for the Septennial Electing Representatives &c^{a} was read a Second time and Committed to the Gentlemen of the Council or any three of them.

The Bill entitled an Act to explain what shall be a Legal Settlm^{t} &c^{a} was read a Second time & Coñitted to y^{e} Genlm^{n} of y^{e} Council or any two of them

The Bill entitled an Act for Naturalizing Johannes Martinus Vanharlinghen was read a Second time and ordered a third reading

Mr Rodman from the Committee to whom the Bill entitled an Act to prevent any Action under Fifteen Pounds being brought into the Supream Court, was Committed, reported, that they had gone thro' and made an Amendm^{t} to the same, which he read in its place, and the same was agreed to by the House

Ordered that Mr Rodman do carry the said Bill with the Amendm^{ts} to the House of Assembly and desire their Concurrence thereto

Mr Morris from the Committee, to whom the Bill entitled an Act for the better enabling of Creditors to recover their Just debts &c^{a} was referr'd reported that they had gone thro' and made some Amendments to the same which Amendments being read in their places were agreed to by the House

Ordered, that Mr Morris do carry the said Bill with the Amendments to the House of Assembly and desire their Concurrence

Then the House adjourned to

Tuesday May 13th 1740

Present

Jn° Hamilton
Jn° Reading
Jn° Rodman
Rich^d Smith
Ro: Hunter Morris
Fenwick Lyell
} Esq^rs

M^r Rodman, reported that he had obey'd the order of this House of Yesterday.

M^r Stacy, and M^r Leaming, from the House of Assembly, brought up the Engross'd Bill Entitled an Act for the better enabling of Creditors to recover their Just debts from Persons who abscond Themselves, &c^a that House having agreed to the Amendments by this House Made thereto; which Bill being again read and Compared with the Amendments:

Resolved That the said Bill do pass.

M^r Allen Treasurer of the Western Division in pursuance of the order of the 5th laid before the House his Accomp^ts

Ordered that the said Acco: do lie upon the Table

M^r Reading moved for leave to be absent for some time on other Publick business of the Province; and leave was accordingly granted him.

Then the House adjourned to

Wednesday May 14th

Present

Jn° Hamilton
Jn° Rodman
Rich^d Smith
Rob: Hunter Morris
Fenwick Lyell
} Esq^rs

M^r Pearson, and M^r Eaton from the House of Assembly, brought up The Engrossed Bill entitled an Act, to prevent

any action under Fifteen Pounds being brought into the Supream Court, that House having agreed to the Amendment made thereto by this House; which engrossed Bill being read and compared with the Amendment

Resolved that the said Bill do pass

The Engrossed Bill entitled an Act to oblige the several Sherriffs of this Province to give Security, and to take the Oaths or affirmations therein directed for the due discharge of their offices, was read, and on the question put

Resolved That the said Bill do pass

Ordered, That M^r^ Morris do carry the same to the House of Assembly for their Concurrence

M^r^ Vanbuskerk and M^r^ Demarest, from the House of Assembly broug^t^ up a Bill entitled an Act for preventing of Waste of Timber, Pine and Cedar Trees and Poles, within the Town and Corporation of Bergen in the Province of New Jersey, for the Concurrence of this House; which was read the first time and ordered a Second reading.

This House taking into Consideration the great Necessity of the Attendance of their several Members for dispatching the publick buisness of the Province and their several orders to and Summones of William Provoost & Cornelius Vanhorn Esq^rs^ two of the Gentlemen of the Council, to appear in this House, as the duty of their Station required; to which they, nor either of them had hitherto given any Answer, nor offered any reason to this House for their not complying with the Summon's afores^d^ in contempt of the Authority of this House, and in delay of and prejudice to the Buisness thereof, it is therefore Unanimously

Resolved, and Ordered, that the Serjeant at Arms Attending this House do take the said William Provoost, and Cornelius Van Horn Esq^rs^ and bring them with all possible Expedition to the Barr of this House to answer the premises, and that the Clerk do Serve the Serjeant at Arms with a Copy of this order Immediately.

Then the House adjourned to

Thursday May 15th 1740

Present

Jn° Hamilton
Jno. Rodman
Rich^d Smith
Fenwick Lyell
} Esq^rs.

Then the House adjourned to

Friday May 16th 1740

Present

Jn° Hamilton
Jn° Rodman
Rich^d Smith
Fenwick Lyell
} Esq^rs

A Message from His Excellency desiring that the House may Adjourn themselves to Tuesday the 27th Ins^t

Then the House accordingly adjourned to Tuesday the 27th Ins^t

Tuesday May 27th 1740

The House met according to Adjournment

Present

John Rodman
Rich^d Smith
Fenwick Lyell
} Esq^rs

The House adjourned to

Wednesday May 28th

Present

John Reading
John Rodman
Rich^d Smith
Ro: Hunter Morris
Fenwick Lyell
} Esq^rs

Peter Savory Serjeant at Arms attending the House, being called in and required to make a return of the order of this House of Wednesday the 14th of this month Returned for Answer that in Obedience to the said order, He had taken Cornelius Van Horn, and William Provoost Esqrs and they having Severaly given him their promises to appear at the Barr of this House at a time now past, He had not brought them as Commanded by the said order

Resolved That Peter Savory Serjeant at Arms Attending this House is guilty of Disobedience to the order of this House

Ordered that the High Sherriff of the County of Burlington do take Peter Savory, Serjeant at Arms attending this House into Custody for Disobedience to the order of this House, and that the Clerk do Serve the Sherriff with a Copy of this order.

Mr Pease,[1] and Mr Vanbuskirk from the House of Assembly, brought up a Bill entitled an Act to lay certain Taxes on Hawkers, Pedlars or Petty Chapmen within this Province, for the Concurrence of this House which was read the first time, and ordered a Second reading.

Mr Lyell moved for leave to bring in a Bill to make the Executors or Administrators of Sherriffs, within this Province lyable to Actions of Escape suffered by such Sherriffs in their Lifetimes.

Ordered That Mr Lyell have leave to bring in a Bill accordingly

The Bill entitled an Act for preventing the Waste of Timber, Pine &ca within the Town and Corporation of Bergen, was read a Second time, and Committed to Mr Morris and Mr Lyell

The House adjourned to

[1] Joseph Peace.

Thursday May 29th 1740

Present

Jn° Reading
Jn° Rodman
Rich^d Smith
Ro: Hunter Morris
Fenwick Lyell
} Esq^rs

The Bill entitled an Act for Naturalizing Johannes Martinus Vanharlinghen, was read a third time and on the Question put

Resolved That the said Bill do pass.

Ordered That M^r Morris do carry the said Bill to the House of Assembly for their Concurrence;

The Bill entitled an Act to lay certain Taxes on Hawkers &c^a was read a Second time and committed to M^r Reading, and M^r Rodman

A Petition from Peter Savery, Serjeant at Arms, in Custody of the Sherriff of Burlington, praying to be admitted to make acknowledgment of His Fault to this House, was read

Ordered That the Sherriff of Burlington do bring Peter Savery, to the Barr of this House tomorrow, and that the Clerk do serve the Sherriff with a Copy of this order

The 11th Article of His Majestys Instructions to His Excellency incerted in the Minutes of this House of the 10th Jan^ry 1738, relating to the Attendance of the Members of this House, was read

Resolved Nem: Con: That Cornelius Vanhorne, and William Provoost two of the Members of this House, not attending tho' thereunto duly Summoned and often, Admonished pursuant to the directions in His Majesty's said Instruction, are severally Guilty of a Contempt thereof, and have by their non Attendance greatly obstructed the publick Buisness

Resolved That the non Attendance of James Alexander, a Member of this House residing in New Yorke, is also a great Obstruction to the publick Business

Resolved that the non Attendance of John Wells,[1] a Member of this House occasioned by his great Age and Infirmity of Body, is also a great Obstruction to the Publick business.

Resolved, That an humble Address be presented to His Excellency setting forth, the matters contained in the foregoing Resolves, and praying that He will be pleased to take such Measures, as to him shall seem meet for Relief therein

Ordered, That M^r Reading, and M^r Lyell, be a Committee to prepare and lay before this House, a Draught of an Address to His Excellency to that purpose

Then the House adjourned to

Friday May 30^th 1740

Present

Jn^o Reading
Jn^o Rodman
Rich^d Smith
Rob^t Hunter Morris
Fenwick Lyell
} Esq^rs

The Sherriff of Burlington, in pursuance of the Order of Yesterday, brought to the Barr of the House Peter Savery, Serjeant at Arms: and the said Peter Savery having acknowledged his Fault, and promised a punctual obedience to the Orders of this House hereafter

Ordered, That the said Peter Savery be discharged from the Custody of the Sherriff of Burlington

M^r Rodman from the Committee to whom the Bill entitled an Act for restraining the burning of the Woods &c^a was referr'd, reported that they had gone through, and made an Amendment to the same which was read in its place & agreed to by the House

[1] See ante, p. 121.

Ordered, That Mr Rodman do carry the said Bill with the amendment made thereto, to the House of Assembly for their Concurrence

Then the House adjourned to

Saterday May 31st 1740

Present

John Reading
John Rodman
Richd Smith
Rob: Hunter Morris
Fenwick Lyell
} Esqrs

Mr Morris reported that in obedience to the order of this House, he had Carried down to the House of Assembly the Bill entitled an Act for Naturalizing Johannes Martinus Vanharlinghen

Mr Rodman reported, that in obedience to the order of this House, he had Carried down to the House of Assembly the Bill intitled an Act for restraining the burning of the Woods &ca

Then the House adjourned to

Munday June 2d

Present

John Rodman
Richd Smith
Ro: Hunter Morris
Fenwick Lyell
} Esqrs

The House adjourned to

Tuesday June 3d 1740

Present

John Reading
John Rodman
Richd Smith
Rob: Hunter Morris
Fenwick Lyell
} Esqrs

Doctr Johnston and Mr Hancock, from the House of Assembly brought Back the Bill entitled an Act for restraining the burning of the Woods &ca with the Amendment made by this House, to which that House agrees, and have made one Amendment thereunto, to which They desire the Concurrence of this House

Peter Savery, Serjeant at Arms, acquainted the House, that he now had Cornelius Vanhorne Esqr in his Custody, and was ready to bring him to the Barr of this House, pursuant to a former Order

Ordered, That the Serjeant at Arms do immediatly bring Cornelius Vanhorne Esqr to the barr of this House

The Serjeant at Arms having brought Mr Vanhorne to the Barr of the House, and He having made acknowledgment and Submission, and promise of a more Constant Attendance on the Service of this House hereafter;

Ordered, That Mr Vanhorne do take his Seat in the House

Mr Smith from the Committee to whom the Bill entitled an Act concerning the Acknowledging and registring of Deeds &ca was referr'd, reported that they had gone thro' and made Several amendments, to the same, which were read in their places and agreed to by the House

Ordered, That Mr Smith do carry the said Bill with the Amendments made thereto to the House of Assembly for their Concurrence.

Mr Pearson, and Mr Eaton, from the House of Assembly, brought back the Bill entitled an Act to oblige the Several Sherriffs of this Province to give Security &ca with several

Amendments made thereto by that House, for the Concurrence of this House.

Then the House adjourned to

Wednesday June 4th 1740

Present

John Reading
Cornelius Vanhorn
John Rodman
Richd Smith
Robt Hunter Morris
Fenwick Lyell
} Esqrs

Mr Smith reported, that in obedience to the order of this House, he had carried down to the House of Assembly, the Bill entitled an Act, concerning the acknowledging and registring of Deeds &ca

Mr Leaming, and Mr Leonard, from the House of Assembly, brought back the Bill entitled an Act concerning the Acknowledging and registring of Deeds &ca with the Council's Amendments thereto, to all which Amendments that House agrees except the first, and do adhere to the Bill in the part mentioned in the said first Amendment.

The Bill entitled an Act for restraining the burning of the woods &ca with the Amendments made by the House of Assembly, to the Amendment made by this House to the said Bill was read and agreed to.

Ordered That the Bill with the Amendmts &ca be engross'd

Mr Rodman from the Committee to whom the Bill entitled an Act to lay certain Taxes on Hawkers &ca was referr'd reported that they had gone thro' the same and made Several Amendments thereto, which were read in their places and agreed to by the House

Ordered, That Mr Rodman do carry down the said Bill with the Amendments, to the House of Assembly for their Concurrence

Do[r] Johnston and M[r] Low, from the House of Assembly, brought back the Bill entitled an Act for Naturalizing Johannes Martinus Vanharlinghen to which Bill that House has agreed without any Amendments.

M[r] Morris, from the Committee to whom the Bill entitled an Act for the Septennial Electing of Representatives to serve in General Assembly of this Province was referr'd, reported the same without any Amendments

Ordered, That the s[d] Bill be read a third time; which being done and the Question put

Resolved, That the said Bill do pass.

Ordered, That M[r] Morris do acquaint the House of Assembly therewith

Then the House adjourned to

Thursday June 5[th] 1740

Present

John Reading
Corn[s] Van Horne
John Rodman
Rich[d] Smith
Ro: Hunter Morris
Fenw[k] Lyell
} Esq[rs]

M[r] Lyell from the Committee to whom the Bill Entitled an Act to Explain what shall be a Legal Settlement &c[a] was referr'd, reported that they had gone thro' the same and had made several Amendments thereto, which Amendments were read in their places, and agreed to by the House.

Ordered, That M[r] Lyell do carry down to the House of Assembly the s[d] Bill with the Amendments, for the Concurrence of that House.

M[r] Morris reported, that in Obedience to the Order of yesterday he had acquainted the House of Assembly, that this House had passed the Bill entitled an Act for the Sep-

tennial Electing of Representatives to Serve in General Assembly of this Province

M^r^ Lyell reported that he had obeyed the above order of this House

M^r^ Hude, and M^r^ Low, from the House of Assembly, brought up the Engross'd Bill entitled an Act to lay certain Taxes, on Hawkers, Pedlars or Petty Chapmen within this Province that House having passed the said Bill with the Amendm^ts^ made thereto by this House

Ordered, That M^r^ Reading, M^r^ Smith, and M^r^ Morris be a Committee to Examine the Treasures accompts

Then the House adjourned to

Friday June 6^th^

Present

John Reading
Jn^o^ Rodman
Rich^d^ Smith
Fenwick Lyell
} Esq^rs^

Then the House adjourned to

Saterday June 7^th^ 1740

Present

John Reading
John Rodman
Rich^d^ Smith
Ro: Hunter Morris
Fenwick Lyell
} Esq^rs^

A Message from the House of Assembly of the 5^th^ desiring that this House will appoint a Committee to Join a Committee of that House to burn the Cancelled money &c^a^

Ordered, That the Committee appointed to Examine the Treasures Acco^s^ be a Committee for that purpose

Ordered, That Mr Smith do acquaint the House of Assembly therewith.

The Engrossed Bill entitled an Act for restraining the burning of the Woods, Marshes and Meadows was read and Compared

Resolved, That the said Bill do pass;

Ordered, That Mr Smith do carry down the said Bill with the Amendments, to the House of Assembly to be compared and Signed

A Message from the House of Assembly, by Mr Stacy and Mr Vanbuskirk desiring to know what progress this House has made in the Bill entitled an Act for the more easy and Speedy recovery of Small debts Sent up from that House the first day of May last

Ordered, That Mr Smith do acquaint the House of Assembly, that the said Bill has been twice read, and Committed, but is not yet reported.

Mr Rolph, and Mr Leaming Junr from the House of Assembly, brought up the Engrossed Bill entitled an Act to Explain what shall be a Legal Settlement for any Person in this Province, that House, having agreed to all the Amendmts made thereto by this House

Which engrossed Bill with the Amendments being read and Compared

Resolved That the same do pass.

Mr Pearson and Mr Hude From the House of Assembly, brought up a Bill entitled an Act for regulating Ditch, Hedge, & Creek Fence, and draining of Inland Meadow, wet or low land, for the Concurrence of this House, which Bill was read the first time, and ordered a Second Reading

Mr Morris, from the Committee to whom the Bill entitled an Act for the preventing the Waste of Timber &cs in the Town and Corporation of Bergen was referr'd, reported that they had gone thro' and made Several Amendments to the same which were read in their places; and on the Question put, whether the House agree to the Amendments made to the said bill, it was carried in the Negative;

Ordered Nem: Con: that y^e s^d Bill be recommitted to M^r Rodman & M^r Lyell

Then the House adjourned to

Tuesday June 10^th 1740

Present

John Reading
John Rodman
Rich^d Smith
Ro: Hunter Morris
Fenwick Lyell

M^r Smith, reported, that he had obeyed the several Orders of this House of y^e 7^th

M^r Low, and M^r Pease from the House of Assembly brought up the Bill entitled an Act for raising of money for finishing and Compleating the Goal and Court House already erected, at Newark, in the County of Essex, for the Concurrence of this House, which was read the first time, and ordered a Second reading.

M^r Mickle, and M^r Vandervere from the House of Assembly, brought back, the Engrossed Bill entitled an Act for restraining the burning of the Woods Marshes and Meadows the same having been Signed by the Speaker of that House.

The Bill entitled an Act for regulating Ditch, Hedge and Creek Fence &c^a was read the Second time and on the Question [being] put whether the said Bill be Committed it was Carried in the Negative,

Then the Question was put whether the said bill be rejected?

And carried in the affirmative.

M^r Johnston Treasurer of the Eastern Division of this Province laid his acco^ts before the House

Ordered that the said acco^ts do lie upon the Table

The Bill entitled an Act to oblige the several Sherriffs &c^a with the Amendments Made thereto by the House of Assem-

bly was read and on the Question put whether this House does agree to the s[d] Amendments or not?

It was carried that this House agrees to the two first Amendments, & disagrees to all the Rest

Ordered, That M[r] Rodman do acquaint the House of Assembly therewith

Then the House adjourned to

Wednesday June 11[th] 1740

Present

John Hamilton
John Reading
John Rodman
Rich[d] Smith
Fenwick Lyell
} Esq[rs]

The Bill entitled an Act for raising of money for finishing and Compleat[g] the Goal and Court House already erected at Newark in the County of Essex was read a Second time, and Committed to M[r] Reading M[r] Smith, and M[r] Lyell

Then the House adjourned to

Thursday June 12[th] 1740

Present

John Hamilton
John Reading
John Rodman
Rich[d] Smith
Rob: Hunter Morris
Fenwick Lyell
} Esq[rs]

M[r] Vanmiddleswart and M[r] Hude, from the House of Assembly, brought in a Bill entitled an Act to Annex part of the County of Essex to the County of Somerset for the

Concurrence of this House which was read the first time and ordered a Second reading.

Mr Reading moved for leave to be absent tell Tuesday next

Ordered, that Mr Reading have leave accordingly.

Then the House adjourned to

Friday June 13th 1740

Present

John Hamilton
John Rodman
Richd Smith
Rob: Hunter Morris
Fenwick Lyell
} Esqrs

The Bill entitled an Act to annex part of the County of Essex to the County of Somerset &ca was read a Second time and ordered a third reading.

The Bill entitled an Act Concerning the Acknowledging and registring of Deeds &ca with the Message from the House of Assembly of the 4th Inst concerning the Same, was taken into Consideration, and on the Question put, whether this House do adhere to their said first Amendment? it was carried in the affirmative.

Then the Question was put, whether this House demand a Conferrence wth the House of Assembly on the matter of the said first Amendment? and carried in the affirmative

Ordered That Mr Rodman do acquaint the House of Assembly yt this House desires that House will appoint a Comittee, to conferr with a Comittee of this House, on the first Amendment made by this House to the Bill Entitled an Act concerning the acknowleding and registring of Deeds &ca

Then the House adjourned to

Saterday June 14th 1740

Present

John Hamilton
John Rodman
Richd Smith
Ro: Hunter Morris
Fenwick Lyell
} Esqrs

Mr Rodman reported that he had obeyed the order of this House of Yesterday.

Mr Stacy and Mr Johnston from the House of Assembly, brought up a Bill entitled an Act the better to Enable Creditors to obtaine Satisfaction of their Recoveries &ca for the Concurrence of this House, which was read the first time and ordered a Second Reading

A Message by Mr Hancock, and Mr Rolph from the House of Assembly That, that House has appointed Collo Farmer Mr Eaton, Mr Low Mr Cooper Mr Leaming, and Mr Benjamin Smith to be a Committee to Conferr with a Committee of this House on the first Amendment made to the Bill entitled an Act concerning the acknowledging and registring of Deeds &ca and desire that this House will appoint time and place

Ordered That Mr Rodman, Mr Morris, & Mr Lyell be a Comittee accordingly; and that they do meet at the House of Joseph Rockhill on Munday next at 6: in the Evening, and that Mr Smith do acquaint the House of Assembly therewith

Then the House adjourned to

Munday June 16th 1740

Present

John Hamilton
John Rodman
Richd Smith
Rob. Hunter Morris
Fenwick Lyell
} Esqrs

M^r Smith reported, that he had obeyed the order of this House of Saterday last

M^r Lyell from the Committee to whom the Bill entitled an Act for the Preventing the Waste of Timber &c^a in the Town and Corporation of Bergen was referr'd; reported that they had gone thro' and made Several Amendm^ts to the same which were read in their places and on the Question put? wheth^r this House agrees to the said Amendments? it was carried in the affirmative

Ordered That M^r Lyell do carry down the said Bill with the Amendm^ts to the House of Assembly for their Concurrence

The Petition of Andrew Joline in behalf of himself and others Freeholders and Inhabitants of the Township of Elizabeth Town in the County of Essex praying that this House will not pass the Bill entitled an Act for raiseing money for finishing and Compleating the Goal &c^a in Newark and setting forth several matters of fact whereon they ground their said Prayer, was read.

Ordered That the said Petitioner Attend this House on Munday 22^d Ins^t to prove the matters in said Petition contained, and that the s^d Petition^r and the Freeholders of Newark & Achquachanunc be served with a Copy of this order by the Clerk of this House

M^r Lyell from the Com̃ittee to whom the Bill entitled an Act for raising of money for finishing and Compleating the Goal &c^a in Newark was referr'd reported that they had gone thro' and made several Amendments to the same which were [read] in their places.

Ordered, That the Consideration of the said Bill, and report thereon, be deferr'd till the above mentioned Petitioners have been heard to their said Petition

The Bill entitled an Act the better to enable Creditors to obtain Satisfaction of their Recoverys &c^a was read a Second time and com̃itted to M^r Morris, and M^r Lyell

Then the House adjourned to

Tuesday, June 17th 1740

Present

John Hamilton
John Rodman
Richd Smith
Rob: Hunter Morris
Fenwick Lyell
} Esqrs

Coll° Farmer & Mr Damarest from the House of Assembly, brought up the Bill entitled an Act for Naturalizing Peter Soulard, for the Concurrence of this House which was read the first time and ordered a Second reading

The Bill entitled an Act to annex part of the County of Essex to the County of Somerset &ca was read the third time, and on the question put

Resolved that the same do pass;

Ordered That Mr Lyell do acquaint the House of Assembly therewith

Mr Lyell reported that he had obeyed ye above order of this House

Mr Rodman, from the Committee appointed to Conferr with the Committee of the House of Assembly, on the first Amendment made to the Bill—Entitled an Act concerning the Acknowledging and registring of Deeds &ca reported that at the Conference it was agreed that the Judges should remain but that the Justices should be struck out

Then the House adjourned to

Thursday June 19th 1740

Present

John Hamilton
John Reading
John Rodman
Richd Smith
Ro: Hunter Morris
} Esqrs

The Report of the Committee of this House appointed to conferr with a Committee of the House of Assembly on the first Amendment made to the Bill entitled an Act concerning the Acknowledging and registring of Deeds &c[a] was taken into Consideration, and on the Question whether this House agrees to the said report? It was carried in the affirmative

Ordered, That an Amendment be made accordingly, and That M[r] Rodman do Carry down the Bill and acquaint the House of Assembly That this House agrees to the report of the Committee

M[r] Morris, from the Committee to whom the Bill entitled an Act for the more easy and Speedy recovery of Small debts was referr'd reported that they had gone through and made several Amendments to the same which were read, in their places, and agreed to by the House

Ordered That M[r] Morris do carry down to the House of Assembly the said Bill with the Amendments made thereto by this House, for their Concurrence

M[r] Cooper and M[r] Vandevere from the House of Assembly, broug[t] back the Bill entitled an act for preventing the Waste of Timber &c[a] with the Amendments made thereto by this House; to all which amendments that House disagrees, and adheres to the Bill

M[r] Leaming and M[r] Vanbuskirk from the House of Assembly bro[t] up the Bill entitled an Act for defraying the Contingent Charges of this Governm[t] for the Concurrence of this House which was read the first time and ordered a Second Reading

The Bill entitled an Act for Naturalizing Peter Soulard was read a Second time and ordered a third reading

M[r] Morris from the Committee to whom the Bill entitled an Act the better to Enable Creditors to obtain Satisfaction of their Recoveries &c[a] was referr'd, reported that they had gone through the same and made one Amendment thereto which being read in its place was agreed to by the House

Ordered that M[r] Morris do carry down the said Bill with

the Amendm^{t} Made thereto, to the House of Assembly for their Concurrence

Then the House adjourned to

Friday June 20th 1740

Present

John Hamilton
John Reading
John Rodman
Rich^{d} Smith
Ro: Hunter Morris
} Esq^{rs}

M^{r} Rodman reported, that he had obeyed the order of this House of Yesterday

M^{r} Morris reported that he had obey'd the two orders of this House of yesterday

The Bill entitled an Act for Naturalizing Peter Soulard, was read the third time, and on the Question put

Resolved that the same do pass.

Ordered That M^{r} Smith do acquaint the House of Assembly therewith

D^{r} Johnston and M^{r} Benjamin Smith from the House of Assembly bro^{t} up the Engrossed Bill, entitled an Act the better to Enable Creditors to obtain Satisfaction of their Recoveries &c^{a} that House having agreed to the Amendment made thereto by this House which Engrossed Bill with the Amendment being read and Compared;

Resolved That the same do pass

Then the House adjourned to

Saterday June 21st 1740

Present

John Hamilton
John Reading
John Rodman
Rich^{d} Smith
Ro: Hunter Morris
} Esq^{rs}

Mr Morris by order of His Excellency, laid before the House a Letter from the Lords of Trade, to His Excellency, dated at White Hall March 7th 1739, which was read

Ordered That the said Letters be Entered in the Minutes of this House and it is as follows Vizt

Duplicate White Hall March 7th 1739[1]

Sir

Since our Letter to you of November 2d 1738 We have received yours of May 26th 1739, Transmitting your Speech to the Council and Assembly with nine Acts—one dated the 4th October relating also to the Differance between the Council and Assembly, as to the Application of Publick money together with one of the 6th Decemr last concerning the Paper Currency in New Jersey

We are Concerned to find by your said Letters of 26th May & 4th of October that the People of New Jersey have made no better return to His Majesty for his Gracious Condescension to their request in granting them a Separate Governour, and that they have put you under Such Difficulties in the very Infancy of your Government as have obliged you to dissolve after one Session only, The first General Assembly you had Summoned together[2]

As to the dispute that has Given rise to the ill Understanding betwixt the Council and Assembly on account of the Conference Demanded by the Council on the Subject matter of the Bill for the Support of Government, which the Assembly refused, aledging that the Council had no Right to alter the Substance of the said Bill or to Conferr thereon—We apprehend the Assembly have done wrong because the Council have an Undoubted Right to alter money Bills Sent up to them from the Assembly

As to the rest we are Clearly of Opinion that whenever money is left by Act of Assembly to the future Disposition

[1] 1740, N. S.

[2] Governor Clarke, of New York, wrote home that the precedent thus set by the New Jersey Assembly was too strong to enable him to exact a general revenue from his Legislature.—*N. Y. Col. Docs., VI., 149.*

of the Governour Council and Assembly it is left to their Disposition in their Legislative Capacity only & no other ways and consequently, that no two Branches of the Legislative can dispose of it without the Concurrence of the third in an Act to be past by them for that purpose

We shall be glad to hear in your next, that the hopes you have conceived, however faint you represent them to be, of reducing things to some better condition, may not prove abortive, so we bid you farewell and are

Your very loveing Friends
& Humble Servants

Signed Monson
R Plumer
Ja: Bradenell
Ar. Croft

Honourable Lewis Morris Esq^{r} Govern^{r} of New Jersey

M^{r} Vanbuskirk, and M^{r} Leaming from the House of Assembly brought up the Engrossed Bill entitled an Act for the Acknowledging and registring of Deeds &c^{a} with the Amendment thereto agreed on at the Conferrance which being read and Compared;

Resolved That the same do pass;

M^{r} Smith reported, that he had obeyed the order of this House of yesterday

Then the House adjourned to

Munday June 23^{d} 1740

Present

John Hamilton
John Reading
John Rodman
Rich^{d} Smith
Ro: Hunter Morris
} Esq^{rs}

Mr Stacy, and Mr Leonard, from the House of Assembly, brought up the Engrossed Bill entitled an Act to Erect and Establish Courts in the several Counties of this Province, for Tryal of small Causes, that House having agreed to all the Amendments made thereto by this House which Engrossed Bill with the Amendments, being read and Compared

Resolved, That the same do pass.

Pursuant to the order of this House of ye 16th several of the Justices and Freeholders of Elizabeth Town, Newark, and Ackquakanung in the County of Essex attended, and were Examined touching the facts set forth in the Petition of Andrew Joline, against passing the Bill entitled an Act for raising money for furnishing & compleating the Goal already erected at Newark &ca and it Appearing to the House, that the Allegations in the said Petition are altogether groundless.

Ordered That the said Bill with the Amendments made thereto by the Committee, be now read, which was done accordingly and agreed to by the House

Resolved That the said Bill with the Amendments pass.

Ordered That Mr Smith do carry down the said Bill with the Amendmts to the House of Assembly for their Concurrence.

Then the House adjourned to

Tuesday June 24th 1740

Present

John Hamilton
John Reading
John Rodman
Richd Smith
Ro: Hunter Morris
} Esqrs

The Bill entitled an Act for defraying the Contingent Charges of the Government was read a Second time

And on the question whether the said Bill be Committed ? it was Carried in the Negative

Then the Question was put wether the said Bill be read a third time and carried in the affirmative

Ordered That the said Bill be read a third time

Mr Morris protested against reading the said Bill a third time for the Reasons following

1st For that the Bill impowers a Committee of the House of representatives to appoint the Printers of the Laws of this province, which is to take to themselves his Majestys well known right and at the same time to Render useless a patent long since granted by his Majesty to one for that Purpose, against whom no complaints have been made and is an attempt to render the publick officers of the government dependant wholly on their House.

2dly For that there is not any allowance provided by the Bill for the Clerk of the Councills attendance during the Last Long session of General Assembly nor for his attendance and publick services done and to be done by him this session which is in itself unjust greatly tending to prevent and retard the publick business of the Councill or laying them under the necessity of paying a clerk at their own private Expence and distressing that necessary officer who is equally intituled to a like Reward for like services and attendance as the Clerk of the House of Representatives is entitled unto for whom they take care to make provision in the said Bill

3dly For that there is not any provision made by the said bill to defray the necessary and incidental charges of the government arising from unforeseen accidents of which there may be many and more Pressing occasions at this time especially, when his Majesty has been pleased to declare a most Just warr against the King of spain and the want thereof must at all times necessarily tend to interupt a Just and due administration of the Government

4thly For that the Councill being a part of the Legislature of this province have an undoubted Right as well by the Laws of the province as by His Majesty's patent to his governor to ammend, alter, or begin any bill for the disposition

of the publick money and the not making those amendments that we conceive necessary for the Publick good is in my opinion betraying the trust reposed in us by his Majesty and tends in its consequences to lessen the authority of the Councill and to Exclude them from that share in Legislasion his Majesty intends we should Enjoy

For which Reasons I do protest against reading the said Bill the third time without being amended in the above particulars and proper provisions therein made

Rob^{t} H : Morris,

Then the House adjourned to

Wednesday June 25th 1740

Present

John Hamilton
John Reading
John Rodman
Ro: Hunter Morris
Rich^{d} Smith
} Esq^{rs}

M^{r} Low, and M^{r} Smith from the House of Assembly, brought back the Bill entitled an Act, for raising of Money, for Finishing and Compleating the Goal and Court House &c^{a} at Newark &c^{a} with the Amendments made thereto by this House, to all which Amendments that House agrees, except the Fourth, Fifth, Sixth, and Seventh, and, adhere to the Bill in the parts mentioned therein.

Which being taken into Consideration, and on the question put, whether the House do adhere to their said Amendments, it was carried in the Negative

Ordered, That M^{r} Smith carry down the said Bill to the House of Assembly and acquaint them that this House does recede from the 4th 5th 6th & 7th Amendments made thereto

Then the House adjourned to

Thursday June 26th

Present

John Hamilton
John Reading
John Rodman
Richd Smith
Rob: Hunr Morris
} Esqrs

The House took into Consideration, the Message from the House of Assembly of the 19th by Mr Cooper, & Mr Vandevere, concerning the Bill entitled an Act, for preventing the Waste of Timber &ca and the Question being put whether the House adhere to their own Amendments made to the said Bill it was carried in ye Affirmative

Then the question was put whether a Conferrance be Demanded with the House of Assembly on the subject matter of the said Amendment? and carried in the Negative

Then the House adjourned to

Friday June 27th 1740

Present

John Hamilton
John Reading
John Rodman
Richd Smith
Rob. Hunt. Morris.
} Esqrs

Mr Hude, & Mr Low, from the House of Assembly, brought up the Engrossed Bill entitled an Act, for raising of money for Finishing the Goal at Newark &ca which being read and compared,

Resolved, That the same do pass.

Then the House adjourned to

Saterday June 28th

Adj^{d} to Munday June 30

Adj^{d} to Tuesday July 1st

Adj^{d} to Wednesday July 2^{d}

Adj^{d} to Thursday July 3^{d}

Present

John Hamilton
John Rodman
Rich^{d} Smith
Rob: Hunter Morris
Fenwick Lyell
} Esq^{rs}

Col^{o} Farmer, M^{r} Leonard, M^{r} Low, M^{r} Leaming, and M^{r} Hude from the House of Assembly, brought up the Bill entitled an Act for making Current Two thousand pounds in Bills of Credit for Victualling and Transporting the Troops &c^{a} for the Concurrence of this House which was read, the first time and ordered a Second reading

Then the House adjourned to

Friday July 4th 1740

Present

John Hamilton
John Rodman
Rich^{d} Smith
Ro: Hunt^{r} Morris
Fenwick Lyell
} Esq^{rs}

The Bill entitled an Act for making Current Two Thousand Pounds in Bills of Credit &c^{a} was read a Second time, and debates arising thereon, the question was put whether a General Conferrence be desired with the House of Assembly and carried in the affirmative

Resolved, That Mr Rodman, Mr Smith, Mr Morris and Mr Lyell be a Committee to that purpose

Ordered, That Mr Smith do in the name of this House, desire a General Conferrence with the House of Assembly; and acquaint that House, that this House has already appointed Mr Rodman, Mr Smith, Mr Morris, and Mr Lyell to be a Committee to conferr with such Committee as shall be by that House appointed to that Purpose

A Message from the House of Assembly, by Mr Leaming & Mr Vandevere That, that House has appointed Mr Richard Smith of Burlington, Mr Eaton Mr Cooper, Mr Low, Mr Leonard Mr Hude, Mr Cook, and Mr Rolph to be a Committee on the General Conference desired by this House, to meet at the time and place by this House appointed

Then the House adjourned to

Saterday July 5th 1740

Present

John Hamilton
John Rodman
Richd Smith
Ro: Huntr Morris
Fenwick Lyell
} Esqrs

Mr Rodman from the Committee appointed to Conferr with the Comittee of the House of Assembly reported, That they had met with a Committee of that House, and had proposed to them that several Amendments should be made to the Bill Entitled an Act for making current Two Thousand pounds for Victg &ca

1st That by the same Bill, Provision should be made for "other Necessarys besides the bare victualling and Transport-"ing such Troops as shall be raised in this Province pursuant to "His Majesty's Instructions to His Excellency the Governour, "which Victualling and Transporting seem'd to this Comit-

"tee to be the only Things provided for by the said Bill as it "now is worded

2dly That by the same Bill Direction should have been to the "Trustees therein Mentioned to make payment of so much "of the moneys hereby applyed as should be found necessary "for the several purposes thereof, By virtue of warrants "to be under the Seal of the Governour or Commander in "Chief of this Province Signed in Council, pursuant to "another of His Majesties Instruction's &c

"3dly That by the same Bill, the said Trustees should have "been made accountable for the moneys therein mentioned to "the General Assembly of this Province & not to the Assem- "bly only

"4thly That by the same Bill the Governour or Commander "in Chief of this Province should have had the Direction of "what Ships, and other Vessels should be hired and of the "quantity of the Provisions and other Necessarys to be pro- "vided for the Transporting the Troops aforesd as far as the "moneys in the Bill mentioned wo'd Extend of which the "Trustees aforesaid ought not to have been the Judges, as by "the wording of the same Bill seems to be intended

To All or any of which Amendments so proposed to be made The Committee of the House of Assembly had without offering any Reason's refused to Assent unto

The Bill entitled an Act for making Current Two Thousand Pounds &cs was read, a third time, and on the question put whether the same do pass? it was carried in the affirmative; each of the Members present assigning as the Cause of His assent to the said Bill (as now worded) The necessity thereof lest the proposed Expedn should through want of the same be retarded

Resolved, That the said Bill do pass.

Ordered, That Mr Rodman do acquaint the House of Assembly therewth

The Bill entitled an Act for defraying the Contingent Charge &cs was read a third time, and on the question put whether the said Bill do pass? it was Carried in the Negative

His Excellency, having required by Message the Attendance of this House & the House of Assembly was pleased to Command them to adjourn to Munday the 21st Inst

Munday July 21st 1740

Present

John Rodman
Richard Smith
Ro: Hunr Morris } Esqrs

Adjournd to

Tuesday 22d July

Present
The same

Adjourd to

Wednesday July 23d

Present
The same

Adjournd to

Thursday July 24th

Present

John Hamilton
John Rodman
Richd Smith
Ro: Hunter Morris } Esqrs

Adjourned to

Friday July 25th

Present the same

Adjourd to

Saterday July 26

Present the same

Adjour^{d} to Munday July 28th

Present the same

Adjourned to

Tuesday July 29th

Present

John Hamilton
John Reading
John Rodman
Rich^{d} Smith
Rob^{t} Hun^{r} Morris
} Esq^{rs}

Adjourned to Wednesday July 30th

Present the same

M^{r} Morris, from the Committee appointed to examine the Treasures Acco^{ts} reported the State of the said Acco^{s} which were read, and approved of and are as follows.

M^{r} Morris also from the Committee appointed to join a Committee of the House of Assembly to burn the Cancelled money &c^{a} reported that the said Committees had seen several Bundles of Cancelled money burnt and destroyed and that they had Stated an Acco^{t} thereof which is as follows.

The Committee appointed to examine the Treasures Accompts having carefully examined the same do agree that Robert Hunter Morris from the said Committee do make following Report to the House Contain'd in the following accompt

Dr John Allen Treasurer of the Western Division of the Province of New Jersey Cr

Support of Government

To Arreage in Burlington County as the ye Same was reported in 1738	£30	5	8	By a Deficiency at last Settlemt in the County of Burlington still unpd.....	£30	5	8
To the ballance remains due in his hands at last Settlemt for Support and Interest.....	1217	0	1	By Sundry Deficiences in the first £40,000 Still unpd by the Counties following Hunterdon, as by the sd Treasures accounts said to be due from the Estate of James Trent late Commissr deceasd.. £22 ,, 3 ,, 7½ Burlington 13 ,, 7 ,, 2½ Cape May... ,, 4 ,, 7¾	£35	15	4¾

Interest money pay[a]

To Sundry Deficiencies in the Several Loan Offices at last Settlemt in 1738 and since in the Countys following Vizt Hunterdon ... £ 22 ,, 3 ,, 7¼ Burlington.... ,, 17 ,, 1 ,, –½ Salem..... ,, — ,, 4 ,, 6½ Cape May..... ,, — ,, 4 ,, 7¾	£39	13	10¾	By a Deficiency in the County of Hunterdon part of the first years Interest arising of the £20,000 as by the sd Treasures Accot said to be due from the Estate of James Trent late Commissr of the Loan Office of sd County deceased.	£34	10	–
To Interest money payable from the Western Counties for the £20,,000 in 1739 Hunterdon.. £ 61 ,, 10 ,, — Burlington.. ,, 105 ,, 13 ,, 9 Gloucester.... ,, 72 ,, 12 ,, 6 Salem.. ..... ,, 123 ,, 9 ,, 6 Cape May.... ,, 25 ,, 11 ,, 6	£388	17	3	By Sundry Warrants & Certificates produced & endorsed by order of the Committee as accounted for amounting in the whole to the Sum[1] of one thousand ninety seven Pounds nine shillings and five pence	£1897	9	5
To Interest money paya from the Western Counties for the £40,,000 in 1739 Hunterdon.. £ 128 ,, — ,, — Burlington.. ,, 218 ,, 10 ,, — Gloucester... ,, 150 ,, 10 ,, — Salem ..... ,, 255 ,, 4 ,, — Cape May.... ,, 53 ,, 8 ,, —	£805	12	—	Ballance due.....	483	8	4¾
	£2481	8	10½		£2481	8	10½

[1] One thousand eight hundred and ninety-seven, &c. Other errors made, doubtless, in copying.

It also appeareth to the said Committee by ye Report of the last Settlement that there remained then in the said Treasurers hands part of the £4000, the Sum of £458 „ 9 „ 6 and that the said Sum is Still in his hands uncancelled ..... £458 „ 9 „ 6

The Committee waited on the Governr in Council, and saw Burnt and destroyed in part of the Sum mentioned to be in ye hands of sd Treasurer uncancelled in old Bills dated 1724 the Sum of £146 „ 7 „ 6, and in Bills dated 1728 also the sum of £58 „ 13 „ 6 which last Sum is in lieu of the same Sum burnt and destroyed by Mich[l] Kearny last Settlemt in bills dated 1724 which ought to have been in bills dated 1728... £205 „ 1 „ —

Remaining in his hands to be cancelled and destroyed in Bills dated 1724 if to be found the Sum of.. £253 „ 8 „ 6

£458 „ 9 „ 6

By order of the Committee

Robt Hunter Morris

The said Committee do further agree that Robert Hunter Morris from the said Committee do make the following Report to the House contained in the following Accompt

Dr Andrew Johnston Treasurer of the Eastern Division Cr to the Province of New Jersey

Support of Government

To Sundry arrearages in the following Counties as the same was reported at last Settlement in 1738 vizt

Middlesex...	£18 ,, 18 ,, 5¼	
Do in 1730...	,, 25 ,, — ,, —	
		£43 ,, 18 ,, 5¼
Somerset.....	£18 ,, 3 ,, —	
Essex in 1734...	— ,, 17 ,, 6	
		£19 ,, — ,, 6

To a ballance last Settlement wh: was due from Michael Kearney late Treasurer & orderd to be pd to Andrew Johnston present Treasurer... £567 ,, 1 ,, 4¾

To the ballance remaing in his hands at ye last Settlemt as ℔ Report in 1738..... ..... £1398 ,, 5 ,, 9

To Sundry Dificiences in the Interest money as ℔ Report last Settlement in the yr 1738 in the following Counties vizt

Bergen	£ 21 ,, 4 ,, 9¼	
Essex	,, 80 ,, 6 ,, 5¾	
Middlesex..	,, 156 ,, 6 ,, 9¼	
Somerset....	,, 97 ,, 16 ,, 9½	
Monmouth	,, 285 ,, 16 ,, 3½	
		£641 ,, 11 ,, 1¼

To Interest money payable from the Eastern Counties for ye £20,,-000 in the year 1739

Bergen	£ 69 ,, 14 ,, 3	
Essex.....	,, 116 ,, 8 ,, 3	
Middlesex...	,, 98 ,, 11 ,, 9	
Monmouth..	,, 146 ,, 2 ,, 3	
Somerset.....	,, 32 ,, 2 ,, 6	
		£462 ,, 19 ,, —

To Interest money paya from ye Eastern Counties for the £40,,000 in ye yr 1739

Bergen.....	£144 ,, 6 ,, —	
Essex.....	,, 240 ,, 14 ,, —	
Middlesex...	,, 201 ,, 6 ,, —	
Monmouth..	,, 301 ,, 12 ,, —	
Somerset	,, 67 ,, — ,, —	
		£954 ,, 18 ,, —
		£4087 ,, 14 ,, 2¼

By Sundry Deficieny ℔ Contra in the Co of Middlesex still outstandg ..... £18 ,, 18 ,, 5¼
ditto in 1730.. ,, 25 ,, — ,, —
Somerset..... ,, 18 ,, 3 ,, —
£62 ,, 1 ,, 5¼

By the ballance due from Mr Kearney at last Settlemt still remaing unpaid..... £567 ,, 1 ,, 4

By Sundry Dificiences still unpd in the Int money in the following Counties vizt

Bergen.....	£ 21 ,, 4 ,, 9¼	
Essex...	,, 72 ,, 6 ,, 5¾	
Middlesex..	,, 38 ,, 12 ,, 7¾	
Monmouth	,, 246 ,, 11 ,, 6½	
		£378 ,, 15 ,, 4¾

By Sundry Warrants & Certificates produced, and endorsed by order of the Committee, as accounted for amountg in the whole to the sum of Two Thousand & thirty Eight pounds Seventeen Shillings... .....£2038 ,, 17 ,, —

Balance due £1040 ,, 18 ,, 11½

£4087 ,, 14 ,, 2¼

The Committee proceeded further & examined the accoᵗˢ relating to cancelling of such part of yᵉ £4000 payᵃ from the Eastern Division by Virtue of an Act passed in yᵉ Year 1723 for that purpose and find in said Treasures hands as ℔ last Settlement in yᵉ yʳ 1738 uncancelled the Sum of £184 „ 5 „ — which was laid before yʳ Comittee but for wʰ of the bills of Credit [dated] 1728 it is the opinion of the Comittee that it remain in his hands to be exchanged for sᵈ Bills... £184 „ 5 „ —

Also in the hands of Michˡ Kearney late Treasurer..... „ 289 „ 1 „ —

In the County of Essex a Dificy since yᵉ year 1730..... 7 „ 12 „ 5

In the County of Somerset ditto..... 1 „ 18 „ 7

£482 „ 17 „ —

The Committee waited on the Governour in Council and Saw burnt and Destroyed in part of the sum mentioned to be in the hands of Michˡ Kearney late Treasurer the Sum of..... £ 80 „ 7 „ 6

Ballance Still remᵍ uncancelled in said late Treasurers hands for wʰ of Bills dated 1728... £208 „ 13 „ 6

£289 „ 1 „ —

By Arrearages outstanding in the following Counties Vizᵗ

Essex..... £ 7 „ 12 „ 5
Somerset..... „ 1 „ 18 „ 7

£9 „ 11 „ —

£298 „ 12 „ —

The Committee are of opinion that the said sum of £208 „ 13 „ 6ᵈ being the ball. now in the hands of the late Treasurer and also the Sum of £9 „ 11 „ — Arrearages in said Counties ought Immediately to be paid to Andrew Johnston present Treasurer in order to be Exchanged for the bills dated 1728

by order of the Committee

Ro Hunter Morris

The Committee do further agree that Rob^{t} Hunter Morris from the s^{d} Committee do make the following report to y^{e} House

The Committee proceeded to examine the Treasures Accompts relating to the Forty thousand pounds Emitted in y^{e} year 1724 & hav^{g} also Examined the sever^{l} bundles of cancelled Bills formerly Cancelled before the Govern^{r} & Council in & before y^{e} year 1728, being part of £4000 appointed to be cancelled also sever^{l} bundles of Bills cancelled by the Commiss^{rs} of the Loan Offices for y^{e} Western Division before the Justices & Freeholders of the sever^{l} Counties thereof wh: were laid before us by the Treasures of s^{d} Division do desire to make y^{e} following Report Viz^{t}

That there should have been Cancelled in Bills of Credit before the Govern^{r} and Council, or destroyed before the Gen^{l} Assembly by y^{e} Treasurer of the Western Division in and before the year 1728 being part of £4000 appointed so to be Cancelled or destroyed

In bills dated 1724 to the value of....£1375,,8,,6
In bills dated 1728 to the value of....,,458,,9,,6
——————£1833,,18,,—

That John Allen Treasurer of s^{d} Division laid before the Govern^{r} & Coun^{l} & this Committee, three Bundles of cancelled Bills which he cancell^{d} before the Govern^{r} & Council in and before the year 1728 to the value in Bills of Credit

dated 1724.....£916,,19,,—
ditto 1728..... 458,,9,,6
——————£1375,,8,,6

also the said Treasurer laid before y^{e} Govern^{r} & Coun^{l} and this Committee

in Bills dated 1724 the Sum of.....£146,,7,,6
and in do 1728 the Sum of,,58,,13,,6
——————£205,,1,,—

In lieu of the same sum burnt & destroyed by Mich[l] Kearney last Settlem[t] all wh[ch] s[d] Bundles and Sums were Examin[d] & burnt in the presence of y[e] Governour Council & s[d] Committee There is still remain[g] in s[d] Treasur[rs] hands to be Cancell[d] or destroyed Bills dated 1724 is to be found as reported before the Sum of..... £253 „ 8 „ 6

£1833 „ 18 „ —

That there should have been cancelled by the Commission[rs] of the Loan Office's of the Western Division before the Justices and Freeholders of the Several Counties in and before the year 1736 being part of the £36,000 appointed to be cancelled the Sum of ..... £16,658 „ — „ —

It appears to s[d] Comittee as y[e] same was reported in y[r] Settlem[t] in y[e] y[r] 1733 That John Allen, Treasur[r] of s[d] Division laid before y[e] then Comittee of the House of Assembly, in Conjunction with a Comittee of the Council Sundry Bills of Credit. The Princip[l] Sums bro[t] into the Treasur[y] by the Comm[rs] of y[e] Loan Offices Cancelled in the Several Counties were also burnt to y[e] value of ..... £10679 „ 12 „ 4

The Committee further Report y^{t} y^{e} said Treasur^{r} bro^{t} before them in Conjunction with the Comittee of the Councill thirty four bundles wherein were Contained Bills of Credit y^{e} princip^{l} sums bro^{t} into said Treasurers by y^{e} Comm^{rs} of the Loan Offices cancelled in the Several Counties in manner afores^{d} Since the settlement in 1733 were also burnt to y^{e} Value of	£5851 „ 12 „ 10
That there is a ballance due to be Cancelled from y^{e} Western Division amounting to.....	£126 „ 13 „ 10
	£16658 „ — „ —

Still outstanding in the County of Hunterdon said to be due from the Estate of James Trent late Commiss^{r} of the Loan Office of s^{d} County deceased.....	128 „ 8 „ —
over Cancelled in Salem County the sum of £1 „ 14 „ 2^{d}..	" 1 „ 14 „ 2
	£126 „ 13 „ 10

By order of the Committee
Ro: HUNTER MORRIS

Which the Comittee are of opinion ought to be allowed to y^e^ Commiss^rs^ of the Loan Office of s^d^ County in the first years Cancelling of the £20,000

The Committee further agree that Rob: Hunter Morris from the s^d^ Committee do make the following Report to the House Contained in the follow^g^ Accompt.

D^r^ The Eastern Division on the C^r^ Forty Thousand Pounds

To Sundry Dificien^y^ outstanding part of the first £40,,000 in the following Counties as the same were reported at last Settlm^t^ in 1738 viz^t^

Bergen.....	£	6,,	2,,	$9\frac{2}{4}\frac{3}{5}$
Middlesex..	,,	29,,	8,,	$11\frac{2}{4}\frac{3}{5}$
Essex	,,	22,,	10,,	$7\frac{2}{5}$
Somerset.....	£	450,,	18,,	$5\frac{1}{5}$
Monmouth..		—,,	—,,	$5\frac{3}{4}$

£509 ,, 1 ,, $3\frac{1}{4}\frac{1}{5}$

That Andrew Johnston Treasurer of the Eastern Division laid before the said Committee, in Conjunction with a Comittee of the Council three Bundles wherein were Contained bills of Credit cancelled, receed by him since y^e^ last Settlement in the year 1738 which were Examined and Burnt viz^t^

From Thos Farmer late one of the Commissrs of Somerset one bundle Contg.....	£230 ,, —	,, —
From Thos Leonard late one of ye sd Comrs of do.....	£221 ,, —	,, —
	£451 ,, —	,, —
From David Ogden one of the Comm^rs^ of Essex County one bundle.....	,, 22 ,, 11	,, —
That there is a ball. due from y^e^ Eastern Division to be cancelled The Sum of..	,, 35 ,, 10	,, $3\frac{1}{2}$
	£509 ,, 1	,, $3\frac{1}{4}\frac{1}{5}$

Which said sum of £35 „ 10 „ $3\frac{1}{4}\frac{1}{5}$ is still outstanding in the following Counties Viz^{t}

Bergen	£ 6 „ 2 „	$9\frac{2}{4}\frac{3}{5}$
Middlesex..	„ 29 „ 8 „	$11\frac{3}{4}\frac{3}{5}$
Monmouth	„ — „ - „	$5\frac{3}{4}\frac{3}{4}$
		£35 „ 12 „ $3\frac{3}{4}$
Over Cancelled in Somerset & Essex...		1 „ $11\frac{3}{4}$
		£35 „ 10 „ $3\frac{3}{4}$

By order of the Committee

Ro: Hunter Morris

Then the House adjourned to

Thursday July 31st 1740

Present

Jn^{o} Hamilton
Jn^{o} Reading
Jn^{o} Reading [Rodman]
Rich^{d} Smith
Ro: Hunter Morris

His Excellency having commanded the Attendance of both Houses at his House was pleased in their presence to give his Assent to the following Bills Viz^{t}

V. Min. Assy p. 92.

1...(4.) An Act to enable the Freeholders in Conjunction with three Justices of the Peace to Choose a Collector for each respective County within this Province

2...(5.) An Act to Explain w^{t} shall be a Legal Settlment for any Person in this Province

3...(6.) An Act to Erect & Establish Courts in the Several Counties of this Province For Tryall of small causes.

4...(1.) An Act for the better enabling of Creditors to

recover their Just debts from Persons who abscond themselves.

5...(2.) An Act to lay certain Taxes on Hawkers, Pedlars, or Petty Chapmen within this Province.

6... An Act for raising of money for Finishing and completing the Goal & Court House already erected at Newark in the County of Essex

7...(3.) An Act for restraining the bur[n]ing of the Woods, Marshes, and Meadows.

8... An Act for Naturalizing Johannes Martinus Vanharlinghen.

9... An Act for Naturalizing Peter Soulard.

10... An Act for making Current Two Thousand Pounds in Bills of Credit for victualling and Transporting the Troops to be raised in this Colony, For His Majesty's Service on the intended Expedition to the West Indies and for Sinking the same Sum in Interest Money in lieu thereof

And after making a Speech to the House of Representatives, was pleased to prorogue the General Assembly to the Second Tuesday in September next to meet at Perth Amboy

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Minutes of His Majestys Council of the Province of New Jersey

Commencing the 31st of December 1740,
And ending the 2d of May 1741.

At a Council held at Trenton December 31st 1740.

Present
His Excellency Lewis Morris Esqr

John Reading
Ro: Hunr Morris
Fenwick Lyell
Peter Baynton
} Esqrs

His Excellency sign'd the following Warrants Viz^{t}

N° 100 To His Excellency for one quarters Sallary Commencing the 23^{d} June and ending the 23^{d} September last ..... £ 250 „ — „ —
„ 101 To d° for one quarters Sallary commencing the 23^{d} September and ending the 23^{d} Instant..... „ 250 „ — „ —
„ 102 To d° for a Year's Rent of a House Commencing the 23^{d} Septem^{r} 1739 and ending the 23^{d} Septem^{r} last... „ 60 „ — „ —

His Excellency sign'd also Warrants to the following Persons for a half years Sallary commencing the 23^{d} of June and ending the 25th Instant Viz^{t}

N° 103 To Robert Hunter Morris Esq^{r} Chief Justice..... £ 15 „ — „ —
104 Joseph Bonnel Esq^{r} second Judge..... „ 20 „ — „ —
105 Joseph Warrell Esq^{r} Attorney General.. „ 20 „ — „ —
106 Archibald Home Esq^{r} Clk of the Council..... „ 15 „ — „ —
107 And^{w} Johnston Esq^{r} Treasurer E. Division..... „ 20 „ — „ —
108 John Allen Esq^{r} Treasurer of the W. Division ..... „ 20 „ — „ —
109 James Hooper Esq^{r} late Clk of the Circuits a quart^{rs} Sallary Com^{g} 23^{d} June & ending 23^{d} Septem^{r} last..... „ 5 „ — „ —
N° 110 Charles Read Esq^{r} Clk of the Circuits a quarters Sallary Comm^{g} 23^{d} Sept^{r} and ending 23^{d} Instant..... £ 5 „ — „ —
111 Robert Frye door Keeper of the Council ..... „ 5 „ — „ —

His Excellency was pleased to Communicate to the Board an Additional Instruction he had received from the Lords Justices bearing date at Whitehall 5th August 1740.[1]

As also a Letter from the Lords of Trade of the 25th May 1740 and to desire the advice of the Board, how he should put the said Instruction in Execution, and that they would give him their opinion on the Queries proposed by the Lords of Trade in their said Letter.

Whereupon the Board requested His Excellency that he would be pleased to put the said Instruction and Letter into their hands & allow them till to morrow to consider of them, with which request his Excellency was pleased to comply

Aaron Dean pltff
v
Jam Fenn e Dem } In Error
John Nevill

Ordered on motion of Francis Costigin for the Pltff that on the Service of the Copy of the Argument in answer to Mr Kinseys Argument that Mr Kinsey reply thereto in a month's time and that if the Council for the Plantff think proper to reply thereto that they do it in a month's time, thereafter and that the Parties serve the Governor and Council with copies of the said Arguments so as the Cause may be peremptorily determined on the last Tuesday in March next

His Excellency laid before the Board sundry Letters and other Informations he had received from Morris County complaining of outrages Committed on the Inhabitants residing on the Borders of the said County by Persons from Orange County in the Province of New York under pretence that the lands whereon the said Complainers dwell are not part of this Province but of that of New York, and His Excellv desired the advice of the board therein

On which the Board gave it as their unanimous Advice that His Excellency should direct the Magistrates in the said County of Morris to avoid as much as much as possible Strife

[1] See N. J. Archives, VI., 94–98.

and contention with the Inhabitants of the Province of New York and to do their duty in preserving the Peace and protecting the Inhabitants of the said County of Morris from any Insults that may be offered them

January 1st 1740

Present
His Excellency Lewis Morris Esqr

John Reading
Ro: Hunter Morris
Fenwick Lyell
Peter Baynton
} Esqrs

The Council having fully considered of the matters refer'd to them yesterday by His Excellency, return'd their advice and Opinion in the words following Vizt

That his Excellency would be pleased in obedience to the additional Instruction from the Lords Justices forthwith to issue a Proclamation reciting therein such part of the said Instruction as relates to an Act of the 6th Q: Anne entituled an Act for ascertaining the Rates of Foreign Coins &c. as also the said Act of the 6th of her said late Majesty Q: Anne or such part thereof as is necessary to the end that the same may be fully made known to all His Majesty's Subjects within this Province, and that none of them may pretend Ignorance thereof and in his Majesty's name to require and Command a strict and punctual Obedience thereunto under the penalties in the said Act mentioned

That as to the first part of the Letter from the Lords of Trade The Council conceive their Report of the 4th December 1739 to be a full and complete answer thereunto; except that since making the said Report Two thousand pounds money according to the Proclamation of the late Q: Anne in Bills of Credit were created and issued by Act of General Assembly of this Province in the present year of His Majesty's Reign

and applyed towards victualling and Transporting the Troops raised in this Colony for His Majesty's Service in the intended Expedition against the Spaniards in the West Indies,[1] which sum of £2000, is by the Act which emitts it, directed to be sunk by four equal annual Payments out of the Interest money arising from the Loan of Bills of Credit before that time made Current the first of which annual Payments is in the year 1743 and at the time of emitting the said £2000, the Course of Exchange with Great Britain was 160 ℔ cent and is now fallen to 150 ℔ cent or thereabouts

That as to the second part of the said Letter the Council are of Opinion that the most easy and effectual manner of sinking and discharging all the Bills of Credit now Current in this Province with the least Prejudice to the Inhabitants thereof or Interruption to the Commerce of Great Britain with this Colony, will be to Permitt the said Bills to be sunk and discharged in the manner as in and by the Acts of General Assembly by virtue of which the said Bills were issued, is directed

January 2d 1740

Present
His Excellency Lewis Morris Esqr

John Reading
Ro : Hunr Morris
Fenwick Lyell
Peter Baynton
} Esqrs

Mr Chief Justice informed His Excellency and the Board that Oliver Schuyler High Sherriff of the County of Bergen had neglected to levy several fines laid by the Court of Oyer and terminer and Genl Goal Delivery held for the said County as he had been well informed.

Whereupon His Excellency and the Board taking into their

[1] The troops from New Jersey were embarked at Perth Amboy and at various ports in West Jersey, in the fall of 1740.—*N. Y. Col. Docs., VI., 170–1.*

Consideration the dangerours tendency of such a Conduct, and to Prevent the like in other Ministerial Officers.

Ordered that His Majesty's Attorney General do prosecute the said Oliver Schuyler for such his offence

Ordered by advice of the Board, that Moses Rolfe, John Eyres Jonathan Witaker, David Day and Ebenezer Doud, be added to the Commission of the Peace for the County of Essex.

His Excellency laid before the Board sundry Queries in Writing as follows on which Queries he desired their opinion

Gentlemen—

It seems to me to appear from the Instruction now before us that what occasioned it was that the like Instruction from time to time given to the Governors relating to the Act of the 6th of Queen Anne ascertaining the rates of Foreign Coins &c[a] to observe the same and carry it into due Execution[1] had not been done, of which complaints were made That by reason of the neglect of the Governours on that head many indirect practices had grown up and various and Illegal currencies been Introduced contrary to the true intent and meaning of the Act and Prejudicial to the Trade &c[c] and that in consequence of these Complaints, an address was presented to his Majesty that he would be graciously pleased to Command his Governours Effectually to observe his Majesty's Royal Instruction concerning the said Act and that it might be punctually and bona fide observed and put in Execution according to the true Intent and meaning of the said Act which Instruction has been accordingly given and is now before us.

The setting forth the things complain'd of appears to me to be done with an Intent that fore the future there should be no Cause given for complaints of that or the like kind and that what is pass'd should be remedied as far as it is in the power of those concerned to do it

As we neither can for the Future avoid what is complain'd of, nor with reasonable hopes of Success attemp't to remedy

[1] See Bancroft's Hist. U. S., Centennial ed., II., 286–7.

anything that is pass'd without having clear and adequat notions of the matters complain'd of, I therefore desire

First that you would give me your opinion what you conceive were the Indirect practices or any of them Contrary to the true meaning & Intent of the Act and Prejudicial to the Trade &c complain'd of

Secondly How far you conceive these Indirect Practices or any of them occasioned by the neglect Connivance or Contrivance of the Governours or any of them, or to what other Cause they or any of them are to be ascribed

Thirdly what were (and if any such existing) what do you conceive are the Various and Illegal Currencies or any of them Introduced contrary to the true Intent and meaning of that Act of the 6th of Anne mentioned, were or are they currencies of Illegall Species of Coin not mentioned in the Act or were or are they Currencies of Legall species of Coin mentioned in the Act at a greater or less Rate or value than they are by the said Act directed to pass Current for or were or are these Various and Illegall Currencies the Currency of paper Bills made to pass Current, by virtue of Acts of Assembly in Lieu and stead of the several species of silver in the Act mentioned at a value mentioned in these Acts of Assembly different, or the same with that value of the species mentioned in the Act of Parliament of the 6th of Queen Anne, or if mentioned to be of the same value are they truely Legally and bona fida of the same value with those Species or doth the Illegallity of their Currency consist in their being Current at a greater or less value than those several Species of Silver or at greater or less value than they are mentioned to be Current for by the Acts of Assembly that gave them being, or both, if the Illegallity of the Currencies Complain'd off consists in these or any of these things mentioned what has occasioned them and what are the best and most Effectual methods of preventing the like and causing the Act of Queen Anne to be truly Effectually and bona fida observed and put in Execution in this Government according to the true Intent and meaning thereof for the future

January 3rd 1740

Present
His Excellency Lewis Morris Esqr

John Reading
Ro: Hunr Morris
Fenwick Lyell
Peter Baynton
} Esqrs

Mr Reading in behalf of the Board address'd His Excellency as follows Vizt

Sir

We Conceive the questions your Excellency had been pleased to propose to us are such as require our Utmost Consideration and as we are at Present but a thin Board we pray your Excellency would be pleased to Give us leave to Consider of them till the next quarterly Meeting or till such other time as you may have occasion to Call us together when we hope to see a fuller Council and that in the mean time Your Excellency would be pleased to issue a Proclamation as before advised

Ordered That His Majesty's Attorney General do prepare a Proclamation agreeable to the advice of the Board

Mr Reading laid before His Excellency and the board a List of Officers for the Regiment of Militia in the County of Hunterdon which List was read and approved of, and Commissions were ordered to be made out accordingly

At a Council held at Trenton April 1st 1741.

Present
His Excellency Lewis Morris Esqr

John Reading
John Rodman
Richard Smith
Peter Baynton
} Esqrs

His Excellency laid before the Board Copy of a Letter and order by Him written (the severity of the Season not having permitted him to Call the Council together at that time to have their advice) to the several Collectors of His Majesty's Customs in this Province in pursuance of a Letter he had receiv'd from Vice Admiral Vernon recommending it to him for His Majesty's Service that no Vessell might be allow'd to clear from any of the Ports of this Province having Provisions on board till the Master or Owner of such Vessell have given sufficient Security that such Provisions shall not be landed or put on shore in any Dutch, French, Danish or other Foriegn Settlement in America. His Excellency also laid before the board an Explanation of some part of the said Letter to one of the Collectors of this Province to whom some Doubts had arrisen concerning the True intent and meaning of the same which Letter and Explanation are as follows Viz^{t}

Trenton Feb^{ry} 27th 1740

Sir

By a Letter from Admiral Vernon I am informed that a large Squdron of Spanish Ships of War, and two as large Squadrons of French are come into the American Seas in the West Indies; which in his opinion will rely on being Supplied with Provisions from these parts either immediately from the French ports before we may come to a rupture with them or from Statia and Curacoa afterwards, and has recommended it to me as most Material for His Majesty's Service, that no one be permitted to Clear out from this Government at this Criticall Juncture without sufficient Security given not to Land his Provisions at any French, or Dutch Settlements or any other but His Majesty's Colonies, where all they can raise will probably be wanted for the subsistance of his Majesty's Troop's

As the Supplying the Spanish and French Squadrons with Provisions (as things are now circumstanced) may prove of Dangerous Consequence to His Majesty's affairs and the safety of his American Dominions, I have thought it

necessary to order that (to prevent their receiving any such supply) the several Collectors of His Majesty's Customs in this Province do not Clear out any Vessel whatsoever loaden or to be loaden with Provisions untill the Master or Owner of Such Vessel shall have given Bond with two Sufficient Security's, that the same shall not be directly or indirectly loaded or put on shore, in any Dutch, Danish, French or any other Foreign Country, or Settlement in America but that the same shall be actually truly and bona fida landed within some of his Majesty's Colonies, plantations or Dominions or put on board some of His Majesty's Ships of War.

The reason of doing this at this time and on this occasion seems so Evidently for his Majesty's Service and the Safety of his Colonies and Plantations in America that I make no doub't of y^e^ punctual Complyance with what is here ordered

I am

Sir

Your most humble Servant

LEWIS MORRIS

To —— Esq^r^ Collector of His Majesty's Customs for the Port of }

Trenton March 23^rd^ 1740

Sir

As to the doubt made whether by my order of the 27^th^ of February I intended to prevent the Transporting of wheat or other Provisions to Lisbon or Medera, for that the words in the last part of the order which seem to imply that the Provision's should be landed only in some of His Majesty's Plantations or Dominions &c. are exclusive of landing them any where else to which I answer, that these words are only relative to the Foregoing which is Expressed what was intended to be prevented Viz^t^ the Transporting Provisions to any Dutch, Danish, French or any other foreign Country or Settlement in America and the reason being given why this order was made shews I think plainly what was intended by it; and that neither Lisbon or Madera are within the words

or meaning of the order or Direction to you but solely America in order to prevent as much as I could his Majesty's Enemies or their Abettors from receiving any Supplies of that kind which might in its Consequence prove dangerous to the Brittish Colonies and prejudicial to his Majesty's affairs And I persuade myself that every British Subject firmly attached to the Protestant Interest will heartily comply with these directions the reason for giving them being so Evident

I am

Sir

Your most humble Servt

LEWIS MORRIS

Which Letter and Explanation, and directions therein given to the several Collectors were approved of by the Board

His Excellency also laid before the Board a duplicate of the votes of the House of Commons of the 25th November 1740 transmitted to him by Richard Partridge Agent for the Province at the Court of Great Brittian, by which Votes it appears that there was then a Bill depending in Parliament to enable his Majesty to prohibit for a time to be limited the Exportation of Corn and other Provisions out of Great Brittain Ireland and his Majesty's Colonies and Plantations in America and that it was resolv'd that an humble address be presented to his Majesty that He will be graciously pleased to order an Embargo to be forthwith laid upon all Ships Laden or to be laden wth Corn Grain Starch Rice Beef Pork and other Provisions of [or] of Victuals to be Exported to foriegn Parts

And His Excellency was thereupon pleased to ask the advice of the Board whether he should proceed to lay any further or other restraint on the Provision Trade from this Province than is before set forth.

Whereupon the Board unanimously gave it as their opinion that His Excellency had already taken the proper Steps and that they do not conceive it advisable Further to Extend the

Prohibition of the Exportation of Provisions from this Province till the Necessity thereof becomes more Evident or his Excellency have some further and more immediate Instructions from Great Brittain concerning the same.

His Excellency sign'd Warrants for one quarter's Sallary commencing the 23d December and ending the 23d day of March last to the following officers Vizt

N° 112	To Himself	£250	„ —	„ —
113	Rob: Huntr Morris Esqr Chief Justice	„ 37	„ 10	„ —
114	Joseph Bonnel Esqr 2d Judge	„ 10	„ —	„ —
115	Joseph Warrell Esqr Attey General	„ 10	„ —	„ —
N° 116	Archibald Home Esqr Clk of the Council	£ 7	„ 10	„ —
117	Andw Johnston Esqr Treasurr E: Division	10	„ —	„ —
118	Jn° Allen Esqr Treasurer of W: Division	„ 10	„ —	„ —
119	Chas Read Esqr Clk of the Circuits	„ 5	„ —	„ —
120	Admrs of R. Frye late door keepr of ye Council	2	„ 10	„ —

April 2d 1741

Present
His Excellency Lewis Morris Esqr

John Reading
John Rodman
Richd Smith
Peter Baynton
} Esqrs

Mr Reading presented to His Excellency in behalf of the board an Answer to the Queries proposed by His Excellency at the last meeting which is as follows Vizt

Sir

To the Queries proposed by your Excellency on the 2d of January to the Gentlemen of His Majesty's Council We the present attending Members of that Board beg leave to offer the following (and we heartily wish it may prove satisfactory) Answer

We conceive the several Emissions of Paper Currency within this Province; a Just and true Account whereof we have already enabled Your Excellency to transmit to their Lordships the Commissioners of Trade and Plantations, to be entirely regular and Agreeable to the Proclamation of Her late Majesty Queen Anne, neither do we know of any illegal Currencies introduced contrary to the true intent and meaning of the said Proclamation It is indeed true that the Course of Exchange with Great Brittain has from time to time Suffer'd Various Changes and has risen from 33s/3d to even 70 ℔ cent but this we do not look on as any variation in our Currency or any real depreciting its' value as it must necessarily happen in all Countries where the demand for Remittances to another is great and made by many Persons & the Merchants or others impower'd or able to draw Bills are few, and willing to make their own advantage of the pressing demands of others, and in such a Case, Sir We by no means deem the Additional Exchange whatever terms men may bestow on it to be any thing further or other than a Premium paid by the Purchaser to the Drawer to obtain a Conveyance for his Money to Great Brittain to discharge his debts there, or to serve his other Purposes. To avoid or rather alleviate this exorbitant burthen (a Burthen that must necessarily ensue whenever our Exports fall Considerably short of our Imports which has always hitherto been our Case) Men have had recourse to buying of Gold and Silver tho' at extravagant prices, in order thereby to make their wanted Remittances some what cheaper than they could by Bills of Exchange What relates to silver will for the future be entirely prevented by the Publication of the Proclamation Your Excellency has already been advised to issue by the Gentlemen of the Council as to the

Gold it Comes not indeed under the Act of Queen Anne but as the quantity brought into this Province is very inconsiderable We are not apprehensive of any inconveniency from that Quarter

As our Exportations have of late greatly increas'd We have felt the happy Effects thereof, and can with joy inform your Excellency, and we assure our Selves the Encrease of our Exportations in [is] the Chief Cause thereof, that the Course of Exchange with Great Brittain is now no more than 50 ℔ cent and that we have Expectations from the Encrease in the number of our Labouers and cultivation of our lands together with the promising prospect we have from our Mines and other our New Undertakings that we shall again reduce it to its Stand[d] the Proclamation of Queen Anne

If Notwithstanding what we or others may have said the Legislature of Great Brittain continue of opinion that Irregularities have been committed and that the Paper Currencies of our province of New Jersey is hurtfull to the Commerce of Great Brittain therewith We confess ourselves unable to Propose any Remedy thereto but shall with humble submission awaite such as they in their great Wisdom Shall think fit to prescribe, and if the sole way left to remedy the inconveniencies complain'd of is the sinking our Paper Currency we beg leave to repeat our Sentiments already given you on this Head Viz[t] That the most easy and effectual manner of sinking and Discharging all the Bills of Credit now Current in this province with the least Prejudice to the Inhabitants thereof or Interruption to the Commerce of Great Brittain with this Colony, will be to permitt the said Bills to be sunk and discharged in the manner as in and by the Acts of General Assembly, by Virtue of which the Said Bills were issued, is directed

Trenton April 2[d] 1741

John Reading
John Rodman
Richard Smith
Peter Baynton

April 3d 1741

Present
His Excellency Lewis Morris Esqr

John Reading
John Rodman
Richard Smith
Peter Baynton
} Esqrs

Aaron Dean Plttf
v
James Fenn ex dem
John Nevill
} In Error

Upon mature Deliberation had His Excellency and the Council are of Opinion and do order that the Judgment rendered in this Cause, be affirmed with costs and that Mr Home Clerk of this Council do Tax the Costs

Ordered that a Supersedeas do issue to remove Richard Wright from the Commissions of the Pleas and Peace for the County of Burlington, and that Thomas Shinn be added to the Commission of the Pleas for the said County of Burlington

At a Council held at Trenton May 2d 1741

Present
His Excellency Lewis Morris Esqr

John Reading
John Rodman
Richard Smith
} Esqrs

His Excellency laid before the Board, Sundry Petitions from great Numbers of the Inhabitants of the Counties of Essex and Bergen, complaining of the great Scarcity of Grain in the said Counties, occasioned by the late Severe Season and expressing their Apprehension, that unless some

speedy method is taken to hinder the carrying off the Grain, many Families in the said Counties will be reduced to great Straits and to a perishing Condition for want of Bread, and praying that his Excellency will be pleased to prohibit the Exportation thereof till after the ensuing Harvest is got in, On which Petitions His Excellency was pleased to desire the opinion and advice of the Board

The Board having taken the said Petitions into their Consideration and having endeavour'd to inform themselves whether the Scarcity of Grain in the Petitions Complained of is general throughout the Province have reason to beleive, that there is a Quantity of Grain in the Province sufficient to secure it, without any Prohibition of Exportation, from Want till the ensueing Harvest is got in ; and they have also been credibly informed that the said Petitioners might already have been, and still may be supply'd with a Sufficiency of Grain, at Places tho' not in their Counties yet but litle distant from their Habitations, and at a price which cannot, after so long and severe a Winter, be deem'd exorbitant. The Council therefore unanimously gave it as their advice that His Excellency should not lay any further Restraint on the Exportation of Grain from this Province till the Complaint of want becomes more General, but that He would be pleased to give the Majistrates of the said Counties, such Information of the places where it is said Grain may be purchased, as he and the Board have received and to direct the said Majistrates that they use all possible diligence to acquaint the Petitioners or others therewith that they make speedy application to the Persons in whose Hands the Wheat is, and thereby prevent its Exportation, and by this Means the Council hope the evil Complain'd of may be remedy'd and the many inconveniencies attending such a Prohibition, as is desired avoided

His Excellency also communicated to the Board a Letter he had received From the Governor of Couraçoa, dated April 19th setting forth the scarcity of Provisions in the said Island, and requesting His Excellency that he would be pleased to

permit one or more Vessels to be laden with Provisions in this Province for their supply, and assuring Him in the strongest terms that no part of the said Provisions shall be carryed to the Dominions or subjects of any Power at war with Great Brittain, but be solely applyed to the Relief and support of the said Island, And His Excellency was pleas'd to ask the advice of the board whether He should grant the Request of the said Letter?

To which the Board unanimously answer'd, that they did not conceive His Excellency could consistant with the orders lately by Him received From their Excellencies the Lords Justices or with the Present Circumstances of the Province (complaints of Scarcity having been made) Comply with the said Request

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Journal of the Proceedings of His Majesty's Council For the Province of New Jersey at a Session of General Assembly of the said Province begun and holden at Perth Amboy: October 2^{d} 1741 to November 4, 1741

Friday October 2^{d} 1741.

Present.

John Rodman.
R: Hunter Morris. } Esq^{rs}
Fenwick Lyell.

The House adjourned to

Saturday Oct^{r} 3^{d}

Present

John Rodman
R: Hunter Morris } Esq^{rs}
Fenwick Lyell

His Excellency came to the Council Chamber and having by the Secretary Commanded the Attendance of the House of Representatives was pleased to open the Sessions with a Speech to both Houses as Follows.

Gentlemen of the Council & Assembly.

Your Knowledge of the Circumstances of this Province makes it unnecessary for me to say much to you at this time. Persuasions will be needless to Men so well disposed as I am willing to beleive you are, and Arguments useless to those who are not so.

The Duty of my Station obliges me to inform you that the Support of the Government is expired; and that there is a Necessity of a farther Applicatiou of the money raised for that Use to the Purposes it was intended for, and in Such an ample Manner as will be sufficient to answer the End.

In the last Application, a Provision for the incidental Charges of the Government, (which till that time I think, had always been made) was omitted. How it came to be, those concerned in Agreeing upon that application can best tell; but I have been told it was not done with Design, and I am willing to believe it. You have now an opportunity to remedy that mistake and I doubt not of your having Suitable Inclinations to do what is proper on that Head.

There are Several Services required of the Secretary and Clerk of y^{e} Council for which there has been no Reward appointed, but for which a Suitable Reward should be given. The Secretary will lay that matter before you, which I hope will have its due weight with you

There has been no Provision made towards Defraying the Expences of the Gentlemen of the Council during there Attendance on the publick Service, unless it be at the time of the Setting of an Assembly but it required their Attendance at many other times, and on many emergent and unforeseen Occasions; and I hope you will think it reasonable that a proper Allowance should be made for it

Was I not commanded by His Majesty to use their advice

in most Cases I should be unwilling to Act without it in any. But the Charge of their Attendance not being paid by the Publick, it seems hard to call them from their own buisness to such a Distance from their Habitations, where there Attendance is required at their private Expence, this makes it difficult (not to say impracticable) to get them to meet as often as needful and tends to lay the Governor under a Necessity of Acting without them in many Cases; which if not prevented by a proper and Seasonable Provision for them, may in time be productive of such Effects as will be more readily complain'd of than easily removed.

There should be so ample a Provision for the Officers of the Government as to enable them to perform their several Duties without Detriment to themselves and be an encouragement sufficient to induce Men fitly qualified (who I wish were more Numerous) to undertake them. This will gain you assistance of those most able to be serviceable to the Publick, prevent the Magistracy from falling into Contempt and make the Laws regarded, and Effectual to obtain the Ends For which they were made, and it should be one of your Chiefest Cares to make them so.

Your public Bills of Credit, by Length of time and the badness of the paper on which they are printed, are so much worn, and grown so ragged that the Values of many of them are not easily distinguishable; which has given so much room and opportunity for Fraudelent Practices that upon Enquiry into it (if I have been rightly informed) there will be a Necessity of taking some Measures concerning them.

The publick Credit is so much concerned in this Case as to require your Utmost Care to preserve it, and prevent its being in the least impaired.

There has not been as yet, any Provision made for the building of an House for the Governor's Residence, and convenient Places for the Setting of the Assembly and Keeping of the Secretarys Office, whatever the Opinion of some may be upon this Head, it seems to be necessary such a Provision should be made.

The Eastern and Western Division of New Jersey, tho' formerly two distinct Governments, are now but one People: And it is now their true Interest to lay aside those Jealousies that make them Suspicious of each other.

The very Name of Division, if possible, should be obliterated here, & the thing by all means avoided, as being destructive of the publick Good & prevents those happy effects of your Consultations, which might be otherwise Expected from them.

One certain place for the Sitting of your Supream Courts, and Assemblies Keeping the Secretary's Office, and Residence of the Governor will go Far to induce you to Consider your selves as one People, and prevent your Acting with Views unsuitable to such a Consideration.

Those who have been concern'd in Law Suits have (if I am rightly informed) found to their Cost, the Difficulty and Epence of Transporting Books of Records or Registers from one Division into the other; and it requires no great Penetration to discover the Danger that attends the doing so, which seems to make the Necessity of keeping them in one place, and having one Seat of Government, as they have in all other places evident.

The Keeping of the Records and Registers of a Province in differ^{t} places remote from each other, is inconvenient to those whose affairs obliges them to have Recourse to them; and the Removing of them from Place to Place (if done) dangerous to the Owners of those Estates, of which those Records are the Evidence, and may make it difficult in many Cases to Discover in which of the Divisions these Evidences are, and when known not easy to Find the thing in particular sought For.

Records and Registers are of too great Concern to the Publick to be be negligently Kept, and many now alive may remember that all or most part of the Original Acts made in one Sessions of Assembly were not to be Found; and that all the Endeavours to recover them proved ineffectual I some time since discovered an old unlock'd Chest, Full of your

origin[1] Laws and Records of the Courts in a Garret my Servants Lodg'd in at Burlington: These having not been delivered over to the present Secretary and unknown to him, neither he nor his Clerks would have exemplified anything therein contained, had it been required of them, and it is a very great Chance if many of them have not been ignorantly applied to uses very different from what they were intended for; the neglecting to make a Proper Provision for the Security of them, may prove of dangerous Consequence as well to those now alive, as to Posterity; and I hope you will now take such suitable Measures for their Preservation as to prevent any just Complaints on that Score.

The Right Honourable the Lords Commissioners for Trade and Plantations have ordered me to transmit all the Laws in force in this Province, which will be difficult and expensive to do, the printed Collection of them being imperfect and several Laws (as it is said) omitted. A true Collection of them will be a Benefit to the Publick, For want of which many may become ignorant tho' not innocent Transgressors: It would therefore, as I conceive, be very proper to have them revised and compared with the Originals, by some Judicious Persons of Known Credit, sufficiently paid for that purpose, and a Correct & perfect Edition of them made Publick[1]

The Allowance made for the Rent of a House For the Governor might have gone far to have answered that End had the Assemblies sat in the same place; but their alternate sittings requiring the Governors Moving to attend them, occasions a great Expence in that Particular; and the Hiring of a House or Lodgings to be in during the Sessions (which in my time has been pretty long) has made the Rent exceed the Sum allowed, and will prove of greater Expence than ordinary to any Person who shall have the Honour of being in my Station, let his Habitations be where it will; which I hope you will think a reasonable Motive to induce you to

[1] This recommendation was not carried into effect until the publication of the first volume of Nevill's Laws, in 1752.

make a Suitable Provision for that extraordinary Expence that will unavoidably attend those alternate Sittings, whilst they continue such.

We are at present engaged in a War with a Nation[1] that has by their Privateers been capable of doing much Mischief, as well on the Coasts of American Plantations, as else where; and may be soon engaged with another much more powerful,[2] and that too well Knows our Situation and our Circumstances, being equally willing, and more capable of doing us Mischief It therefore requires our Utmost Care to do all in our Power that may Contribute to our own Defence, both by Putting our Militia into such a Condition as may render them more Useful and effectual if there should be occasion for them, by Erecting Fortifications where there is need of them, and by using all Means in our Power to hinder them from receiving any clandestine Supply of Provisions, which the great Temptations of Profit may possibly induce some to attempt.

Gentlemen of the Council & Assembly.

A good agreement between all the parts of the Legislature is most likely to promote the publick Welfare; this is so evident, that I pursuade myself you will both Studiously avoid every thing that may create any Misunderstanding between you, and heartily Endeavour to cultivate and improve that Unanimity and Concord amongst you that is so necessary a Means to obtain the true End of your Meeting, and making it beneficial to the Publick.

I, on my part, shall readily join with you as far as I may consistant with my Duty, and Regard for the Publick Good; and the Trust his Majesty has been graciously pleased to repose in me: Any Bill contrary to that, I am Willing to believe you will not Knowingly ask my Consent to

LEWIS MORRIS.

Then the House adjourned to

[1] Spain. [2] France.

Munday Octo^{r} 5th 1741

Present
The Same

The House adjourned to

Tuesday Octo^{r} 6th 1741

Present
John Reading
John Rodman
Richard Smith
Fenwick Lyell
} Esq^{rs}

The House adjourned to

Wednesday Octo^{r} 7th 1741

Present
John Reading
John Rodman
Richard Smith
Ro: Hunter Morris
Fenwick Lyell
Peter Baynton
} Esq^{rs}

M^{r} Morris moved for leave to bring in a bill to enable the Chief Justice and other Judges of the Supreme Court to appoint Commissioners in the several Counties of this Province to take Special Bail, and to administer Oaths.

Ordered, that M^{r} Morris have leave accordingly.

Then the House adjourned to

Thursday Octo^{r} 8th

Present
John Reading
John Rodman
Richard Smith
Fenwick Lyell
} Esq^{rs}

The Clerk informed the Board that he had received a Letter from John Hamilton Esq^{r} dated at N York Octr^{r} 5th wherein he desires him to acquaint the Govern^{r} and Genl^{n} of His Majesty's Council, that he is prevented from attending the Service by His present ill State of Health, but that he is hopeful he is in a fair way of recovery and will Endeavour as soon as possible to attend the House.

Then the House adjourned to

Friday Octo^{r} 9th 1741

Present

John Reading
James Alexander
Richard Smith
Ro: Hun^{r} Morris } Esq^{rs}
Fenwick Lyell
Peter Baynton

M^{r} Morris according to leave brought in a bill entitled an Act to enable the Chief Justice and other Judges of the Supreme Court to appoint Commissioners in the several Counties of the Province to take special Bail and to Administer Oaths, which was read the first time and ordered a second reading.

M^{r} Morris moved for leave to bring in a bill to oblige the several Sherriffs of this Province to give Security and take an Oath for the due discharge of their Offices.

Ordered, That M^{r} Morris have leave accordingly. M^{r} Morris accordingly brought in a bill entitled an Act to oblige the several Sherriffs of this Province to give Security & take the Oaths or Affirmations therein directed for the due discharge of their offices, which was read the first time and ordered a Second reading.

M^{r} Baynton moved the House for leave to be absent till Munday the 19th instant

Ordered, that M^{r} Baynton have leave accordingly.

Then the House adjourned to

Saturday Octo^{r} 10th 1741

Present

James Alexander
John Rodman
Richard Smith
Ro Hunt^{r} Morris } Esq^{rs}
Fenwick Lyell
Peter Baynton

The Bill entitled an Act to enable the Chief Justice &c^{a} was read a Second time, and Committed to a Committee of the whole House.

M^{r} Morris moved that it be an Instruction to the Said Committee to limitt the Authority of the Commissioners to be appointed by virtue of this Act, to Causes depending in the Supreme Court.

Resolved, That it be an Instruction accordingly.

The Bill entitled an Act to oblige the several Sherriffs &c^{a} was read a Second time and Committed to a Committee of the whole House

M^{r} Morris moved for leave to bring in a bill relating to the Murder of Basterd Children.

Ordered, that M^{r} Morris have leave accordingly.

M^{r} Lyell moved that the Attorney General be order'd to lay before the House a list of the several Statutes of that part of Great Britain called England, wherein the Benefit of Clergy is taken away.

Ordered, That M^{r} Attorney General do lay such list before this House

M^{r} Morris moved that a Committee be appointed to inspect the several Laws and Ordinances establishing the Fees of the several Courts in this Province, and to bring in a bill to settle and establish the Fees and regulate the Practice of the several Courts.

Ordered, M^{r} Morris, M^{r} Lyell, M^{r} Rodman and M^{r} Smith be a Committee For that purpose

Then the House adjourned to

Munday Octo^{r} 12th 1741

Present

John Rodman
Richard Smith
Fenwick Lyell
} Esq^{rs}

Adjourned to

Tuesday Octo^{r} 13th

Present

John Reading
John Rodman
Richard Smith
Fenwick Lyell
} Esq^{rs}

Adjourned to

Wednesday Octo^{r} 4th [14th]

Present

Jn^{o} Reading
James Alexander
Jn^{o} Rodman
} Esq^{rs}

Rich^{d} Smith
Fenw^{k} Lyell
} Esq^{rs}

M^{r} Pearson and M^{r} Rolph From the House of Assembly broug^{t} up a Bill entitled an Act to prevent any Action under Fifteen Pounds being brought into the Supreme Court of this Province which was read the First time and ordered a Second reading.

M^{r} Leonard and M^{r} Peace From the House of Assembly brought up a bill entitled an Act declaring how the Estate or Right of a Feme Court[1] may be conveyed or extinguished, which was read the First time and ordered a Second reading.

M^{r} Eaton and M^{r} Stacy From the House of Assembly broug^{t} up a bill entitled an Act Subjecting Real Estates in the Province of New Jersey to the Payments of Debts, which was read the First time and ordered a second reading.

Coll. Farmer, and M^{r} Cook From the House of Assembly

[1] Covert.

brought up a Bill entitled an Act concerning the acknowledgeing and registering of Debts[1] and Conveyances of Lands in each respective County of this Colony, which was read the first time and ordered a second reading.

Then the House adjourned to

Thursday Oct^{r} 15th 1741

Present

John Reading
James Alexander
John Rodman
Richard Smith
Ro: Hunter Morris
Fenwick Lyell
} Esq^{rs}

The House adjourned to

Friday Octo^{r} 16th 1741

Present
The Same

M^{r} Morris according to leave brought in a bill entitled an Act to prevent the destroying and murdering of Bastard Children which was read the First time and ordered a Second reading.

M^{r} Vanbuskirk and M^{r} Hancock From the House of Assembly brought up a bill entitled an Act For continuing an Act entitled an Act For the Tryal and Punishment of Persons guilty of Larcency under the value of twenty shillings, which was read the First time and ordered a Second reading.

Ordered, That M^{r} Alexander be added to the Committee appoint^{d} to inspect the several Laws and Ordinances establishing the Fees

Then the House adjourned to

[1] Deeds.

Saturday Octo^{r} 17th 1741.

Present

John Reading
James Alexander
John Rodman
Richard Smith
R^{t} Hunter Morris
} Esq^{rs}

M^{r} Rodman From the Committee of the whole House on the bill entitled an Act to enable the Chief Justice &c^{a} reported that they had made an Amendment to the Title, as also several to the Body of the s^{d} Bill which Amendments were read & agreed to by the House.

Ordered, that the said Bill with the Amendments be engrossed.

M^{r} Lyell moved for leave to be absent till Friday next.

Ordered that M^{r} Lyell have leave accordingly.

Then the House adjourned to

Munday Octo^{r} 19th 1741.

Present
The Same.

M^{r} Leonard and M^{r} Vanmiddleswart From the House of Assembly brought up a Bill entitled an Act to annex part of the County of Essex to the County of Somerset and to ascertain the bounds thereof.

The House adjourned to

Tuesday Octo^{r} 20th

Present
The Same.

The Bill entitled an Act to annex part of the County of Essex &c^{a} was read the First time, and ordered a second reading.

The engrossed Bill entitled an Act to enable the Chief Justice and other Judges of the Supream Court to appoint Commissioners in the several Counties of this Province to take special Bail, and to Administer Oaths and Affirmations in Causes depending in the Supream Court was read

Resolved, that the same do pass.

Ordered, that Mr Rodman do carry down the said Bill to the House of Assembly For their Concurrence.

Mr Alexander From the Committee of the House on the Bill entitled an Act to oblige the several Sherriffs &c^{a} Reported that they had made several Amendments to the said bill, which Amendments were read and agreed to by the House.

Ordered that the said Bill with the Amendments be engrossed.

Mr Rodman reported that he had obeyed the above order of this House.

Mr Alexander moved For leave to bring in a bill For recording of Deeds & Mortgages.

Ordered that Mr Alexander have leave accordingly. The Bill entitled an Act to prevent the destroying and Murdering of Bastard Children was read a Second time and Committed to the Gentlemen of the Council, or any three of them.

The Bill entitled an Act declaring how the Estate or Right of a Feme Court[1] may be conveyed or extinguished was read a second time and committed to Mr Alexander, Mr Morris, and Mr Smith.

Then the House adjourned to

Wednesday Octo^{r} 21st 1741.

Present
The Same.

Mr Alexander according to leave brought in a Bill for recording of Deeds and Mortgages which was read the first time and ordered a Second reading.

[1] Covert.

The engross'd bill entitled an Act to oblige the several Sherriffs of this Province to give Security and to take the Oaths & Affirmations therein directed for the due discharge of their Offices was read and on the question.

Resolved, that the same do pass.

Ordered, that Mr Morris do carry down the said Bill to the House of Assembly For their Concurrence.

Mr Alexander moved For leave to bring in a bill For Continuing the Road From Bergen to Hudson's River

Ordered, that Mr Alexander have leave accordingly.

Mr Alexander accordingly brought in a bill entitled an Act For Continuing the Kings High Way which lead from Bergen point to Bergen Town to some convenient place on Hudsons River, For Crossing that River to New York, which was read the First time and ordered a Second reading.

Mr Morris reported that he had obeyed [the order] of the House of this day.

The bill entitled an Act For continuing an Act eutitled an Act For the Tryal and Punishment of Persons guilty of Larceny, was read a Second time and Committed to the Gentlemen of the Council or any three of them.

Then the House adjourned to

Thursday Octor 22d 1741.

Present
The Same

Doctor Johnston and Mr Stacy From the House of Assembly brought back the engrossed bill entitled an Act to enable the Chief Justice &ca that House having agreed to the same without any Amendments.

Mr Smith from the Committee on the bill entitled an Act declaring how the Estate or Right of a Feme Covert may be conveyed or extinguished Reported that they had made several Amendments to the said Bill, which Amendments were read and agreed to by the House.

Ordered That the said bill with the Amendments thereto be read w^ch^ was done accordingly, and on the question.

Resolved, That the said bill with the Amendments do pass.

Ordered that M^r^ Smith do carry down the said bill with the Amendments made thereto by this House to the House of Assembly For their Concurrence

M^r^ Smith From the Committee on the bill entitled an Act For continuing an Act entitled an Act For the Tryal & punishment of Persons guilty of Larceny &c^a^ reported that they had made one Amendment thereto which was read and agreed to by the House.

Ordered, That the said Bill with the Amendments be read, which was done accordingly, and on the Question.

Resolved, that the said bill with the Amendments do pass.

Ordered, that M^r^ Smith do carry down the said bill with the Amendment made thereto by this House to the House of Assembly For their Concurrence.

The Bill entitled an Act for Continuing the Kings High Way &c^a^ was read a Second time and Committed to the Gent^n^ of the House or any three of them.

The bill entitled an Act For recording of Deeds & Mortgages was read a Second time and Committed to the Gent^n^ of the House or any three of them.

The bill entitled an Act Subjecting Real Estates &c^a^ was read a second time and Committed to the Gent^n^ of the House or any three of them.

M^r^ Smith reported that he had obeyed the above orders of this House.

The Bill entitled an Act concerning the Acknowledgeing and Registring of Deeds &c^a^ was read a Second time and Committed to the Gentlemen of the House or any three of them.

The bill entitled an Act to annex Part of the County of Essex &c^a^ was read a Second time and Committed to the Gent^n^ of the House or any three of them.

Then the House adjourned to

Friday Octo^{r} 23^{d} 1741

Present

John Reading
James Alexander
John Rodman
Rich^{d} Smith
Ro : Hun^{r} Morris
Fenwick Lyell
} Esq^{rs}

M^{r} Leaming and M^{r} Demarest From the House of Assembly brought up the Engrossed bill entitled an Act declaring how the Estate or right of a Feme Covert may be Conveyed or Extinguished, that House having agreed to the Amendments made thereto by this House which being read and compared

Ordered, that the Speaker do sign the same.

M^{r} Morris From the Committee on the bill entitled an Act to prevent the destroying and murdering of Bastard Children, reported the same without any Amendment.

Then the said bill was read a third time, and on y^{e} Question.

Resolved, that the same do pass.

Ordered, that M^{r} Morris do carry the said bill to the House of Assembly For their Concurrence.

M^{r} Rodman from the Committee on the bill entitled an Act For Continuing the Kings High Way, &c^{a} reported the same without any Amendm^{t}

Then the said bill was read the third time, and on the question.

Resolved, that the same do pass.

Ordered, that M^{r} Lyell do carry down the said bill to the House of Assembly for their Concurrence.

M^{r} Morris reported that he had obeyed the above order of this House.

M^{r} Low and M^{r} Peace From the House of Assembly brought back the engrossed bill entitled an Act for Continu-

ing an Act entitled an Act For the Tryal and Punishment &c^{a} that House having agreed to the Amendment made thereto by this House which being read & Compared

Ordered, that the Speaker do sign the same.

M^{r} Morris From the Committee on the bill entitled an Act to prevent any Action under Fifteen Pounds being brought into the Supreme Court reported that they had made Several Amendments thereto which were read and agreed to by the House.

Ordered, That the said bill with the Amendments thereto be read which was done accordingly, and on the Question.

Resolved, that the Said bill with the Amendments do pass.

Ordered, that M^{r} Rodman do carry down the Said bill with the Amendments made thereto by this House to the House of Assembly For their Concurrence.

Then the House adjourned to

Saturday Octo^{r} 24th 1741

Present
The Same

Adjourned to

Munday Octo^{r} 26th 1741.

Present

James Alexander
John Rodman
Richard Smith
Ro: Hunt^{r} Morris
Fenwick Lyell
} Esq^{rs}

The Petitions From divers Inhabitants of the Counties of Somerset & Essex, praying that part of the County of Essex may be annexed to the County of Somerset, were read, and ordered to be referr'd to the Committee on the bill to Annex part of the County of Essex &c^{a}

Mr Lyell From the Committee on the bill entitled an Act to Annex part of the County of Essex &c^{a} reported that they had made some Amendm^{ts} to the said bill which were read and agreed to by the House.

Ordered, that the said bill with the Amendments be read which was done accordingly, and on the Question.

Resolved, that the said bill with the Amendm^{ts} do pass.

Ordered that Mr Morris do carry down the said bill with the Amendments made thereto by this House to the House of Assembly For their Concurrence.

Mr Peirson and Mr Eaton From the House of Assembly brought back the bill entitled an Act to oblige the several Sherriffs &c^{a} with one Amendment made thereto by that House, For the Concurrence of this House.

Mr Hancock and Mr Rolph From the House of Assembly brought back the bill entitled an Act to prevent Any Action under Fifteen Pounds being brought into the Supreme Court, that House having agreed to the Amendments made thereto by this House.

Then the House adjourned to

Tuesday Octo^{r} 27th 1741

Present
The Same.

Mr Vanbuskirk and Mr Leaming From the House of Assembly broug^{t} back the bill entitled an Act to prevent the destroying & Murdering of Bastard Children with one Amendment made thereto by that House, For the Concurrence of this House which Amendment was read and agreed to by the House.

Ordered, that the said bill with the Amendments be engross'd and that Mr Rodman do carry the same to the House of Assembly to be compared and signed by the Speaker.

Mr Morris from the Committee on the bill entitled an Act Subjecting real Estates &c^{a} reported that they had made one

Amendment thereto w^ch^ which Amendment was read and agreed to by the House and on the question.

Resolved, that the said bill with the Amendment do pass.

Ordered, that M^r^ Morris do carry down the s^d^ bill with the Amendment made thereto by this House, to the House of Assembly for their Concurrence.

The bill entitled an Act to oblige the several Sherriffs &c^a^ w^th^ the Amendment made thereto by the Assembly was read

Resolved, unanimously, that this House disagrees to the Amendment made by the House of Assembly to the said bill & adheres to the said bill in the part mentioned in the said Amendment.

Ordered that M^r^ Rodman do carry back the said bill with the Amendment and acquaint the House of Assembly with the above Resolve.

M^r^ Rodman From the Committee on the bill entitled an Act concern^s^ the acknowledgeing and registring of Deeds &c^a^ reported the same without Amendment.

Then the Question was put Whether the said bill be read a third time and carried in the Negative.

Then the question was put whether the said bill be rejected and carried in the Affirmative.

M^r^ Lyell moved for leave to bring in a bill to repeal part of a Clause of an Act entitled an Act for Suppressing of Immorality.

Ordered, that M^r^ Lyell have leave accordingly.

Then the House adjourned to

Wednesday Octo^r^ 28^th^ 1741

Present

John Reading
James Alexander
John Rodman
Rich^d^ Smith
Ro Hunt^r^ Morris
Fenwick Lyell
} Esq^rs^

Mr Rodman reported that he had obey'd the orders of this House of Yesterday.

Mr Morris reported that he had obey'd the orders of this House of Yesterday.

Mr Demarest and Mr Low From the House of Assembly brought back the bill entitled an Act to prevent the destroying & Murdering of Bastard Children that House having pass'd the said bill.

Mr Lyell according to leave brought in a bill entitled an Act to repeal a part of a Clause of an Act entitled an Act For Suppressing of Immorality, which was read the First time and ordered a Second reading.

Mr Leonard and Mr Vanmiddleswart From the House of Assembly brought back the bill entitled an Act to annex part of the County of Essex &c[a] that House having agreed to the Amendment made thereto by this House.

Mr Smith and Coll° Farmer From the House of Assembly brought back the bill entitled an Act subjecting real Estates &c[a] with the Amendments made thereto by this House, that House having disagreed to the said Amendment and adhered to the bill.

Then the said bill with the Amendment was again read & Considerd

Resolved, that this House adheres to their said Amendment

Ordered, that Mr Morris do carry down the Said bill with the Amendment to the House of Assembly and acquaint them that this House adheres to their said Amendment.

Mr Rolph and Mr Vandevere From the House of Assembly bro[t] up a bill entitled an Act For building rebuilding repairing bridges in the County of Essex, which was read the First time and ordered a second reading.

A Message From the House of Assembly by Mr Eaton and Mr Cooper to Know what progress this House has made in the bill entitled an Act concerning the Acknowledgeing and registring of Deeds &c[a] sent up to this House 7[br] 18[th] inst[t] by that House.

Ordered, that Mr Lyell do acquaint the House of Assembly

that on the 27th inst^{t} the Question was put in this House, Whether the s^{d} bill be rejected and carryed in the Affirmative.

Then the House adjourned to

Thursday Octo^{r} 29th 1741

Present
The Same.

M^{r} Morris reported that he had obeyed the order of this House of Yesterday.

M^{r} Lyell reported that he had obeyed the order of this House of Yesterday.

The bill entitled an Act to repeal Part of a Clause of an Act &c^{a} was read a Second time and Committed to the Gent^{n} of the Council or any three of them.

The Bill entitled an Act For building, rebuilding, and repairing Bridges in the County of Essex was read a Second time & Committed to the Gent^{n} of the Council or any three of them.

M^{r} Leonard and M^{r} Leaming From the House of Assembly brought up the bill entitled an Act For the Support of the Governm^{t} of His Majesty's Province of New Jersey For one year to commence the 23^{d} day of September 1741 and to end the 23^{d} of Septem^{r} 1742 For the Concurrence of this House, which was read the First time and ordered a Second reading.

Then the House adjourned to

Friday Octo^{r} 30th

Present
The Same

M^{r} Rodman From the Committee on the bill entitled an Act to repeal Part of a Clause of an Act &c^{a} reported the Same without any Amendment.

Then the said bill was read a third time & on the Question.

Resolved, that the same do pass.

Ordered, that Mr Morris do carry down the said bill to the House of Assembly For their Concurrence.

Mr Lyell From the Committee on the bill entitled an Act For Building, rebuilding, and repairing Bridges in the County of Essex reported that they had made several Amendments to the same which were read and agreed to by the House.

Resolved, that the said bill with Amendments do pass.

Ordered, that Mr Smith do carry down the Said bill with the Amendments made thereto by this House, to the House of Assembly for their Concurrence.

Then the House adjourned to

Saturday Octor 31st 1741

Present
The Same

Mr Low and Mr Demarest From the House of Assembly brought back the bill entitled an Act For building, rebuilding & repairing Bridges in the County of Essex with the Amendments made thereto by this House, that House having disagreed to the said Amendments and adhered to the said bill.

Then the Said Bill with the Amendments was reconsidered.

Resolved, that this House adheres to their Said Amendments.

Ordered, that Mr Smith do carry down the said bill with the Amendments to the House of Assembly, and acquaint them that this House adheres to their Said Amendments.

Mr Smith reported that he had obeyed the said order.

The bill entitled an Act For the Support &ca was read a second time & Committed to a Committee of the whole House.

Mr Lyell moved for leave to be absent the ensuing week.

Ordered, that Mr Lyell have leave accordingly.

Archibald Home Esqr having been duely qualified before

His Excellency Pursuant to His Majesty's Mandamu's appointing Him one of the Council of this Province, took his Seat in the House.[1]

Then the House adjourned to

Munday Novem^{r} 2^{d} 1741

Present

John Reading
James Alexander
John Rodman
Rich^{d} Smith
Ro: Hun^{r} Morris
Arch^{d} Home
} Esq^{rs}

M^{r} Home From the Committee of the whole House on the bill entitled an Act For the Support &c^{a} reported the same without any Amendments and

On the question whether the House agrees to the said Report^{s} it was carryed in the Affirmative.

M^{r} Morris Protested against the said Vote, and pray'd time to enter his said Protest in Form.

Ordered that M^{r} Morris have time till to morrow morning at 10 ° Clock to enter his said Protest in Form.

Then the House adjourned to

Tuesday Novem^{r} 3^{d}

Present
The Same.

M^{r} Morris moved for leave, as he is Chief Justice of the Supream Court (to sitt this day at Burlington) to be absent during the sitting of the said Supreme Court and

On the Question put, Whether M^{r} Morris have leave? it was carried in the Negative.

[1] See N. J. Archives, VI., 109, 127.

Mr Morris according to leave entered his Protest in Form agans[t] the Agreement of the House to the Report from the Committee on the Support Bill which Protest is as Follows.

Protest in Council against agreeing to the Report of the Committee to whom the bill for the Support of Government was referr'd.

1st Because there is no provision made in the said bill of a Salary for the Clerk of the Circuits, who is a necessary Officer without whom the Publick Justice cannot well be administered, and the said Committee have Neglected to alter the Bill in that Particular.

2dly Because there is no dayly allowance provided by the said Bill for the Attendance of the Clerk of this House during the two last Sessions of general Assembly nor for his Attendance and publick services done and to be done by him this Sessions and the Committee have Neglected to Amend the bill in that particular.

3dly Because by the said Bill the Sum of Eighty Pounds is made pay[a] to the Agent of this Province for the time being appointed by the House of Representatives whereas he is not nor ought not to be in the appointment of the House of Representatives and the said Committee have neglected to Amend the said Bill in that particular.

4thly Because the said Bill puts it in the power of a Committee of the House of Assembly to Dispose of all the publick Money for printing the votes and Laws and binding Books of Records; whereas they ought to be Limited not to Exceed a Certain Sum.

And the said Committee have Neglected to Amend the said Bill in that Particular.

5thly Because the Publick Money by the said Bill is directed to be Disposed of otherwise than by Warrants signed by the Governor or Commander in Chief in Councill Whereas it ought to be disposed of by warrants signed in Council and no otherwise and the said Comittee have Neglected to Amend the Bill in that Particular

For these reasons I protest against agreeing to the Report made by the Committee upon the said Bill.

Rob^{t} H : Morris

Ordered, that the Bill entitled an Act For the Support &c^{a} be read a third time, which was done accordingly, and

On the Question

Resolved, that the said bill do pass.

Ordered, that M^{r} Smith & M^{r} Rodman do acquaint the House of Assembly, that this House has pass'd the said bill.

A Message From the House of Assembly by M^{r} Leaming & M^{r} Low, that that House desires a free Conference with this House on the Subject matter of the bill entitled an Act to oblige the several Sherriffs &c^{a} and that House has appointed Coll^{o} Farmer, M^{r} Eaton D^{r}. Johnston M^{r} Cooper, M^{r} Cook, and M^{r} Stacy to be a Committee to conferr thereon with a Committee of this House, at such time and Place as this House shall appoint, Also, that, that House desires a free Conference on the bill For building, rebuilding and repairing Bridges in the County of Essex at the same time and place and that the same Committee of that House have Power to conferr thereon.

Ordered, that M^{r} Rodman, M^{r} Morris and M^{r} Home be a Committee For that purpose and that they meet at M^{rs} Sarjeants at 3 a'Clock this afternoon.

Ordered, that M^{r} Morris do acquaint the House of Assembly wth this Appointment.

Ordered, that M^{r} Morris, M^{r} Rodman and M^{r} Home be a Comittee to draw up a Representation to His Excellency that he would be pleased to lay before his Majesty a Representation of the great advantages proper encouragement given to this and the other northern Colonies in their Iron Works, would be off to their Inhabitants, and the Kingdom of Great Britain and that they do meet at M^{rs} Sarjants at 3 a Clock this afternoon

Ordered, that M^{r} Morris do acquaint the House of Assem-

bly therewth and desire them to appoint a Committee to join the said Committee for that purpose.

M^{r} Rodman, reported that M^{r} Smith and himself had obeyed the above order of this House.

M^{r} Alexander, Finding himself much indisposed, prayed leave to go home.

Ordered, that M^{r} Alexander have leave accordingly.

M^{r} Morris reported that he had obey'd the orders of this House of this day.

Then the House adjourned to

Wednesday Novem^{r} 4th 1741

Present

John Reading
John Rodman
Rich^{d} Smith
Ro : Hun^{r} Morris
Arch^{d} Home
} Esq^{rs}

M^{r} Rodman reported From the Com̃ittee appointed to confer wth a Com̃ittee of the House of Assembly on the Bill to oblige the several Sherriffs &c^{a} that they had not come to any Agreement on the said Bill:

As also From the Committee appointed to confer with s^{d} Committee on the Bill For building, rebuilding & repairing Bridges in the County of Essex, that they had agreed to an Amendment in the said Bill, which Amendment being read was agreed to by the House.

Ordered, that the said Bill with the Amendments be engross'd

M^{r} Rodman also reported From the Com̃ittee appointed to meet a Committee of the House of Assembly to agree on a Representation to His Excellency concerning an Application to His Majesty for proper encouragement in the making Pigg Metal and Barr Iron in this Province that they had agreed

on a Representation which being read was agreed to by the House and ordered to be engross'd.

The engross'd Representation having been read.

Ordered, that the Speaker do sign the same. the said Representation is as Follows.

To His Excellency Lewis Morris Esq^{r} Captain General and Governor in Chief in and over His Majesty's Province of New Jersey and Territories thereon depending in America and Vice Admiral in the said &c^{a}

The Humble Representation of His Majesty's Council, and the House of Representatives of the Province of New Jersey in General Assembly met and convened.

May it Please your Excellency

We the Council, and House of Assembly beg leave to Represent to your Excellency, that this His Majesty's Province of New Jersey, under your Government, and other the British Colonies in North America (by the divine indulgence) are abundantly Stored with Iron Ore, as also with suitable Conveniency's and proper Materrialls for making the same into Pigg mettal and Barr Iron and could under due encouragement largely Contribute towards and probably in some years wholly supply Great Britain and Ireland with that necessary Comodity, for which they become annually greatly Indebted to Sweden and other Foreign Nations.

That we are well informed, that on Repeated Prooffs made of American Iron, before the Officers of his Majesty's Navy, and other Skillfull Persons the same has been declared to equal, if not excell in quality the best Swedish Iron.

That the Inhabitants of this and other Northern Colonies have have hitherto made but small advantage therefrom; having Imported by very inconsiderable quantities either of Pigg Mettal or Bar Iron into Great Britain or Ireland by reason of the great discouragement they lye under, from the High Price of Labour in the said Colonies, & the Duties by

Act of Parliament on these Comodities imported from His Majesty's Plantations in America.

That, should it please the British Legislature to take of the duties at present payable on importation and to allow such Bounty thereon, as to them in their great Wisdom might seem reasonable, the Inhabitants of this, and other His Majesty's Colonies in North America would be thereby the better Enabled, to discharge the respective ballances due by them to their Mother Country and greatly to increase the quantities of her Manufactures to them Exported, (as their Returns would be in these only) whereby the Annual Debt, by her incurred to Sweden and other foreign Nations for Iron, would be considerably lessened and the Navigation and Ship Building, throughout the British Dominions greatly Encouraged, and Enlarged.

Wherefore We the Council and House of Assembly Humbly request your Excellency that you will be pleased to lay the Substance of this our Representation before His Majesty the tender Farther of his People whose Paternal Care Extends even to the remotest of his Subjects and in our behalf humbly to beseech him, that he will be graciously pleased to Recommend our Circumstances, as above set forth to the consideration of his Parliament, or take such Steps for our relief and encouragement as to him in his Royal Wisdom & Goodness shall seem fitting.[1]

Novem^{r} 4th 1741
By order of the House
of Assembly
And^{r} Johnston Sp^{r}

November 4th 1741
By order of the Council
Jn^{o} Reading

Ordered, that M^{r} Morris do carry down the said Representation to the House of Assembly to be signed by the Speaker.

[1] During the two years preceding this representation, extensive purchases had been made at Little Falls, Wanaque and the present Ringwood, all now in Passaic county, of lands abounding in iron ore, and special attention had been directed to the mineral wealth of Northern New Jersey.

M^r^ Low and M^r^ Rolph From the House of Assembly brought up the bill entitled an Act For building rebuilding & repairing Bridges in the County of Essex engross'd with the Amendments agreed to therein at the free Conference between the Comittees of both Houses.

Ordered that the said bill be read which was done accordingly and on the question.

Resolved, that the same do pass.

Ordered, that M^r^ Smith do acquaint the House of assembly therewith, and also acquaint that House that this House has gone thro' the Buisness before them and if that House has nothing Further to propose are ready to desire His Excellency to put an End to this Session.

Ordered that M^r^ Morris and M^r^ Rodman do waite of His Majesty[1] and acquaint him that this House had Finished the Business before them and desire that he will be pleased to put an End to this Session.

M^r^ Morris reported that M^r^ Rodman and himself had obeyed the above order.

His Excellency came to the Council Chamber and having by the Secretary commanded the Attendance of the House of Representatives John Reading Speaker of the Council presented to him the above Representation of both Houses.

His Excellency the[n] gave his Assent to the Following Bills Viz^t^

1 An Act For the Support of the Government of His Majesty's Province of New Jersey For one year to Commence y^e^ 23^d^ September 1741 and to end the 23^d^ of September 1742

2 An Act to annex part of the County of Essex to the County of Somerset and to ascertain the Bounds thereof.

3 An Act to prevent an Action under Fifteen Pounds being brought into the Supream Court of this Province

4 An Act For Continuing an Act entituled an Act For the Tryal and Punishment of Persons guilty of Larceny under the value of twenty Shillings.

[1] Excellency is meant.

5 An Act to prevent the destroying and murdering of Bastard Children

6 An Act to enable the Chief Justice and other Judges of the Supreme Court to appoint Commissioners in the several Counties of this Province to take special Bail and to Administer Oaths and Affirmations in Causes depending in the Supreme Court.

7 An Act For Building, rebuilding and repairing Bridges in the County of Essex...(N. B. This Act, not with y^e^ rest.)

And was pleased to Prorogue the General Assembly of this Province to the second Tuesday in December next then to meet at Burlington.

Minutes of Council of *N. Jersey* Commencing at Trenton, July 1^st^ 1741

Present
His Excellency Lewis Morris Esq^r^

John Rodman
Robert Hunter Morris } Esq^rs^
Peter Baynton

His Excellency signed Warrants for a quarter's Salary Commencing the 23^d^ day of March, and ending the 23^d^ day of June last to the following Persons Viz^t^

N° 121.	His Excellency.....	£250 „ — „ —
122.	Rob^t^ Hunter Morris Esq^r^ Chief Justice	37 „ 10 „ —
123.	Joseph Bonnel Esq^r^ Second Judge...	10 „ — „ —
124.	Joseph Warrel Esq^r^ Attorney General	10 „ — „ —
125.	Archibald Home Esq^r^ Clerk of the Council	7 „ 10 „ —

126. Andrew Johnston Treasurer Eastern Division..... 10 „ — „ —
127. John Allen d° Western Division..... 10 „ — „ —
128. Charles Read Clerk of the Circuits... 5 „ — „ —
129. Walter Hetherington door keeper of the Council..... 2 „ 10 „ —

His Excellency also sign'd an Order or Warrant to Joseph Warrel Esq[r] Attorney General, pursuant to An Act of General Assembly, to prosecute Oliver Schuyler Esq[r] High Sherriff of the County of Bergen for a neglect of his duty in not obeying a Certain Order of Court of Oyer and Terminer held at Hackinsack for the said County of Bergen on the fourth Tuesday in October last.

At a Council held at Perth Amboy Octr 10[th] 1741.

Present
His Excellency Lewis Morris Esq[r]

James Alexander
John Rodman
Richard Smith
Fenwick Lyell
} Esq[rs]

Complaint being made to the Board by Miles Weeks that he haveing been sent by the Clerk of the Crown with His Majesty's Writt for electing a Representative for the County of Salem, to the High Sherriff of the said County, was in his Journey thither on the 5[th] of this Month stop't and detained for the Space of three hours and an half or thereabouts, Notwithstanding he produced His Majesty's Writt aforesaid, by one W[m] or John Coxe at Ancocus[1] Ferry in the County of Burlington, under pretence that he the said Weekes was a Runaway, at the same time telling him the said Weekes, that he Coxe was not obliged to take any Notice of the King's

[1] Rancocus.

Writt, so Shewn him as above, but must have a pass; and would have Carried him the said Weekes back to Burlington, had not the accidental arrival of some Gentlemen to whom the Said Weekes was Known prevented him. And the said Weekes having made Oath to the above Complaint.

Ordered, by His Excellency by the advice of the board, that Peter Savery Serjeant at Arms do take into Custody, and bring before this Board with all possible Speed William or John Coxe of Ancocus Ferry in the County of Burlington; and that Miles Weekes do attend the said Savery to Ancocus Ferry to Shew him the Person of the name of Coxe as he was told by whom he was thereby stop'd and detained, that he the said Savery May pursuant to this Order take him into Custody, and bring him before this Board. And all Justices, Sherriffs, Constables and others are hereby required and Commanded to be aiding and assisting to the Said Peter Savery therein.

At a Council held at Perth Amboy Oct^{r} 14th 1741.

Present

His Excellency Lewis Morris Esq^{r}

John Reading
John Rodman
Richard Smith
Rob^{t} Hunter Morris
Fenwick Lyell
} Esq^{rs}

Peter Savery Serjeant at Arms acquainted the Board, that in pursuance, the order of the 10th instant he had taken into Custody William Coxe of Ancocus Ferry of the County of Burlington.

Ordered, that the several Members of his Majesty's Council now in this City be a Committee to examine the said William Coxe and such Evidences as shall then be produced on either side in relation to the Complaint of Miles Weekes against the said Coxe.

October 15th 1741

Present
His Excellency Lewis Morris Esqr

John Reading
John Rodman
Richard Smith
Robert Hunter Morris
Fenwick Lyell
} Esqrs

Mr Reading from the Committee of Council to whom was referr'd the Examination into the Complaint of Miles Weekes &c. reported that the said Committee have Examined Miles Weekes, William Coxe and the Evidences in the matter of the said Complaint and that the Committee are on the whole, doubtfull whether the said William Coxe did comtemptously take up and detain the said Miles Weeks

The Board taking the said Report into Consideration Ordered that William Coxe be discharged from the Custody of the Serjeant at Arms.

At a Council held at Perth Amboy Octr 27th 1741.

Present
His Excellency Lewis Morris Esqr

John Reading
John Rodman
Richard Smith
Robert Hunter Morris
Fenwick Lyell
} Esqrs

His Excellency sign'd the following Warrants for a quarters Salary commencing the 23d day of June and ending the 23d September last.

N° 130.	To himself.....	£250 „ — „ —
131.	To Robert Hunter Morris Esq[r] Chief Justice	37 „ 10 „ —
132.	Joseph Bonnel second Judge.....	10 „ — „ —
133.	Joseph Warrell Attorney General....	10 „ — „ —
134.	Archibald Home Clerk of the Council	7 „ 10 „ —
135.	Andrew Johnston Treasurer E. Division	10 „ — „ —
136.	John Allen Treasurer W. Division..	10 „ — „ —
137.	Charles Read Clerk of the Circuits...	5 „ — „ —
138.	Walter Hetherington doorkeeper of the Council.....	2 „ 10 „ —
	as also	
139.	To Benjamin Franklyn for printing Laws and Votes as ℔ Certificate...	46 „ 14 „ —
140.	To Andrew Johnston for the use of Richard Partridge Agent at the Court of Great Britain for one year and one quarters Salary commencing June 23[d] 1740, and ending the 23[d] September last.....	100 „ — „ —
141.	To his Excellency for one year's House Rent commencing 23[d] September 1740 and ending the 23[d] Sep[r] last.....	60 „ — „ —

At a Council held at Perth Amboy November 2[d] 1741.

Present
His Excellency Lewis Morris Esq[r]

John Reading
John Rodman
Richard Smith
Rob[t] Hunter Morris
Fenwick Lyell
} Esq[rs]

Archibald Home presented to His Excellency His Majestys Mandamus appointing Him one of the Council of this Province which Mandamus is as follows.

George R.

Trusty and Welbeloved, We greet you well, We being well satisfy'd of the Loyalty Integrity and Ability of our Trusty and well beloved Archibald Home Esq^{r} have thought fit hereby to signify our Will and Pleasure to you, that forthwith upon the Receipt hereof, you swear and admit him the said Archibald Home to be one of our Council of that our Province of New Jersey in America in the Room of Robert Lettice Hooper Esq^{r} deceased, And for so doing this shall be your warrant, And so we bid you farewell. Given at our Court at S^{t} James's the twenty ninth day of April 1741 in the fourteenth year of our Reign[1]

three half Crown Stamps

By his Majesty's Command
HOLLES NEWCASTLE

Archibald Home Esq^{r} to be of the Council of New Jersey

Superscribed
To our Trusty and well beloved Lewis Morris Esq^{r} our Captain General & Governour in Chief of our Province of Nova Cæsarea or New Jersey in America, And in his absence To our Commander in Chief or to the President of our Council of our said Province for the time being.

In obedience to which His Excellency with the Advice of the Council adminster'd to M^{r} Home the Usual ōaths and he then took his Seat at the Board

[1] See N. J. Archives, VI., 127.

At a Council held at Perth Amboy Nov^{r} 5th 1741

Present
His Excellency Lewis Morris Esq^{r}

Richard Smith
Ro: Hunter Morris } Esq^{rs}
Archibald Home

His Excellency was pleased to sign the following warrants in pursuance of an Act of General Assembly entituled an Act for the Support of the Government of His Majesty's Province of New Jersey for one year Commencing the 23^{d} September 1741 and ending the 23^{d} September 1742.

N° 142.	To John Reading for 38 days attendance in Council	£11 „ 8 „ —
143.	James Alexander 35 days d°	10 „ 10 „ —
144.	John Rodman 38 days d°	11 „ 8 „ —
145.	Richard Smith 38 days d°	11 „ 8 „ —
146.	Robert Hunter Morris 38 days d°	11 „ 8 „ —
147.	Fenwick Lyell 35 days d°	10 „ 10 „ —
148.	Peter Baynton 12 days d°	3 „ 12 „ —
149.	Archibald Home 6 days d°	1 „ 16 „ —
150.	Thomas Bartow Clk of the Assembly	25 „ 12 „ —
151.	Andrew Robison Serj^{t} at Arms for 35 days attendance on the House of Representatives	5 „ 5 „ —
152.	Peter Savery Serj^{t} at Arms for 42 days attendance on the Council	6 „ 6 „ —
153.	Zachariah Weeks doorkeeper of the House of Assembly 35 days Attendance	5 „ 5 „ —
154.	Joseph Warrell Attorney General for his attendance	6 „ — „ —
155.	Ex^{r}s of John Parker for an Assembly room	5 „ — „ —
156.	M^{rs} Sarjant for a Council room	3 „ 15 „ —

157. Andrew Johnston for the Ballance of his Account..... 43 „ 12 „ —
158. D° for the Use of Richard Partridge 88 „ 14 „ 10½
159. Archibald Home for money disbursed and Services..... 47 „ 6 „ 2
160. M^rs Bard for a Council Room in the year 1740..... 9 „ 12 „ —
161. Richard Smith for Carpenter's Work &c. he paid..... 9 „ 18 „ 6
162. William Petty door keeper to the Assembly in 1740..... 15 „ — „ —
163. M^r Lyell for drawing a Bill in the year 1740..... 5 „ — „ —
164. Samuel Bustill for Copying Laws pass'd 1733..... 10 „ — „ —

At a Council held at Trenton the 30^th Decem^r 1741.

Present
His Excellency Lewis Morris Esq^r

John Reading
Rob^t Hunter Morris } Esq^rs
Archibald Home

His Excellency was pleased to sign Warrants for a Quarter's Salary from the 23^d of September last to the 23^d of this Instant Decem^r to the following Officers.

N° 165. To himself.....£250 „ — „ —
166. Rob^t Hunter Morris Esq^r Chief Justice ..... 50 „ — „ —
167. Joseph Bonnel Esq^r Second Judge... 7 „ 10 „ —
168. John Allen Esq^r third Judge..... 7 „ 10 „ —
169. Joseph Warrell Esq^r Attorney General ..... 10 „ — „ —

170. Archibald Home Esq[r] Clerk of the Council..... 7 „ 10 „ —
171. Andrew Johnston Esq[r] Treasurer E. Division..... 10 „ — „ —
172. John Allen Esq[r] Treasurer W. Division..... 10 „ — „ —
173. Walter Hetherington Door Keeper of the Council..... 2 „ 10 „ —
174. Andrew Johnston Esq[r] for the use of Rich[d] Partridge Esq[r] Agent..... 20 „ — „ —

At a Council held at Trenton April 7[th] 1742.

Present
His Excellency Lewis Morris Esq[r]

John Hamilton
John Reading
John Rodman } Esq[rs]
Richard Smith
Arch[d] Home

His Excellency was pleased to sign Warrants for a Quarter's Salary from the 23[d] December to the 23[d] March last to the following Officers of the Governm[t] Viz[t]

N° 175. To Himself.....£250 „ — „ —
176. Rob[t] Hunter Morris Esq[r] Chief Justice .... 50 „ — „ —
177. Joseph Bonnel Esq[r] 2[d] Judge..... 7 „ 10 „ —
178. John Allen Esq[r] 3[d] Judge..... 7 „ 10 „ —
179. Joseph Warrell Esq[r] Attorney General..... 10 „ — „ —
180. Arch[d] Home Esq[r] of the Council..... 7 „ 10 „ —
181. Andrew Johnston Esq[r] one of the Treasurers..... 10 „ — „ —
182. John Allen Esq[r] one of the Treasurers..... 10 „ — „ —

183. Andrew Johnston for the Use of Rich[d] Partridge Agent..... 20 „ — „ —
184. Walter Hetherington door keeper of the Council..... 2 „ 10 „ —

as also

185. To John Peter Zengar for printing Votes &[c] in the year 1738, as ℔ Certificate..... 42 „ 2 „ —

At a Council held at Trenton April 8[th] 1742

Present
His Excellency Lewis Morris Esq[r]

John Hamilton
John Reading
John Rodman
Richard Smith
Ro: Hunter Morris
Arch[d] Home
} Esq[rs]

His Excellency again laid before the Board His Majesty's Royal Instructions, communicated to them and the House of Assembly on the 26[th] day of June 1740 relating to the Expedition against the Spanish West Indies, together with a Letter from his Grace the D. of Newcastle His Majesty's Principal Secretary of State, dated at Whitehall December 4[th] 1740 requiring his Excellency, if my Lord Cathcart, Commander of the Forces in the West Indies, Should think proper to send to him for any Number of Men for Recruits, or for any other Service, to endeavor to raise them accordingly, and to take Care that they be transported to such Place, and at such times as Lord Cathcart should appoint.

His Excellency also laid before the Board a Letter he had received from the Hoñble Thomas Wentworth, now General & Commander of His Majesty's Forces in the West Indies dated Jamaica Feb[y] 2[d] 1741 recommending to him to give

the Officers, by him now sent to levy Soldiers in this Province All the Assistance in his power and to give the Captains Credit for such sums as may be wanted for that Service not doubting but his Excellency will take the proper Measures for their being transported thither, to support which charge, He flatters himself, the respective Provinces will make a Provision, as all his Majesty's Dominions in the West Indies are particularly interested in the Success of the Expedition; And Captain Farmer having in pursuance of the said Letter and by Order of General Wentworth applyed to his Excellency on the above account; His Excellency was pleas'd to ask the opinion and advice of the Board, Whether he should call together the General Assembly of this Province in order to require their aid therein? and also desired of them the Reasons for such Opinion and Advice as they should think proper to give on that Head.

The Council having taken the aforementioned Instructions And Letters into Consideration unanimously gave it as their Advice and Opinion That his Excellency should not at this time call together the General Assembly of this Province on the foregoing account; nor till his Excellency if he Expects any Aid from them is enabled to lay before the Houses a well grounded Computation of the Number of Men likely to be raised in this Colony for His Majesty's Service, and for whose Transportation only the Council Conceive Him empower'd by His Majesty's said Instructions to ask the Assistance of the Province; without which Computation they are not of Opinion that the General Assembly could (if at all) be induced to raise any money for transporting the Recruits (They the General Assembly) having already consented to appropriate a considerable sum of money towards this Expedition which sum the Council have great reason to believe was all the aid they imagined would be required of them on that Score.

M^{r} Chief Justice representing to the Board that the time by Ordinance appointed for the Sitting of the Supream

Court is too Short for the dispatch of the Business depending in the said Court and a great hindrance and delay to the Administration of Publick Justice, His Excellency was thereupon with the advice of His Majesty's Council pleased to Order that the Several Terms of the Supreme Court for this Province from and after the Term of May next ensuing shall be and continue to sitt and be holden from the Tuesday the Commencement of the said Term to the Tuesday of the Week thereafter both days inclusive and to direct an Ordinance to be made out and published accordingly.

At a Council held at Burlington Nov^{r} 3rd 1742.

Present
His Excellency Lewis Morris Esq^{r}

John Hamilton
John Reading
John Rodman
Richard Smith
Archib^{d} Home
} Esq^{rs}

It having been represented to His Excellency that the times of Sitting of the Courts for Tryal of Causes brought to issue in the Supream Court in the Counties of Monmouth and Essex were by reason of the Prolongation of the sitting of the Supreme Court become highly inconvenient, His Excellency was pleas'd with the Advice and Consent of the Board to Appoint the said Courts hereafter to be held as follows Viz^{t} in the County of Monmouth on the 3rd Tuesday in November and in Essex on the 4th Tuesday in November, and to direct an Ordinance to be made out Seal'd and publish'd accordingly.

At a Council held at Burlington Nov^{r} 4th 1742

Present
His Excellency Lewis Morris Esq^{r}

John Hamilton
John Reading
John Rodman } Esq^{rs}
Rich^{d} Smith
Arch^{d} Home

His Excellency Sign'd Warrants to the following Persons for a half year's Salary from the 23^{d} March 1742 to the 23^{d} September last Vizt.

N° 186	To himself 1 quarter from 23^{d} March to 23^{d} June..	£250 „ —	
187.	To Himself a Quarter from 23^{d} June to 23^{d} Sep^{r} last.....	250 „ —	
			£500 „ — „ —
188.	To Rob^{t} Hunter Morris Esq^{r} Chief Justice		100 „ — „ —
189.	Joseph Bonnell Esq^{r} 2^{d} Judge.....		15 „ — „ —
190.	John Allen Esq^{r} 3rd Judge.....		15 „ — „ —
191.	Joseph Warrell Esq^{r} Attorney General.....		20 „ — „ —
192.	Arch^{d} Home Esq^{r} Clerk of the Council.....		15 „ — „ —
193.	Andrew Johnston Esq^{r} one of the Treasurers.....		20 „ — „ —
194.	John Allen Esq^{r} one of the Treasurers		20 „ — „ —
195.	Andrew Johnston Esq^{r} for the use of Rich^{d} Partridge.....		40 „ — „ —
196.	Walter Hetherington door keeper of the Council.....		5 „ — „ —

as also

N° 197.	To His said Excellency for a year's House Rent.....	60 „ — „ —
198.	John Hyndshaw for binding books ℔ Certificate.....	8 „ 14 „ —

His Excellency was also pleas'd to communicate to the Board a Paragraph of a Letter from the Board of Trade and Plantations dated August 3d 1742 in the following words.

"We observe what you write in regard to Paper Currency "and hope you'll take effectual Care for the punctual Sinking "the outstanding Bills in the manner prescribed by the sev- "eral Acts that Establish them, and all other proper means "of Keeping up their Credit *and preventing their increase* "that in time an end may be put to a Currency which has "been attended with so many Inconveniences. We desire "therefore you will Continue to give us from time to time an "Account of what Number of these Bills Are paid off and "sunk.

Signed

MONSON
R. PLUMER
B. KEENE
M. BLADEN
JA: BRUDNELB

At a Council held at Burlington November 17th 1742.

Present
His Excellency Lewis Morris Esqr

John Hamilton
John Reading
John Rodman
Richd Smith
Archd Home

His Excellency in presence of the Council, and a Committee of the House of Assembly appointed for that purpose, saw

burnt and distroy'd £184 „ 5 „ — in Bills of Credit of the year 1728 delivered in by Andrew Johnson, being part of the £4000, directed to be sunk in such Bills.

At a Council held at Burlington November 25th 1742.

Present
His Excellency Lewis Morris Esqr

John Hamilton
John Rodman
Richd Smith
Archd Home
} Esqrs

His Excellency sign'd Warrants to the following Persons by Virtue of an Act pass'd at Burlington this day entitled an Act for the Support of the Government of His Majesty's Province of New Jersey &c.

N° 199	John Hamilton Esqr for 45 days Attendce in Council	£13 „ 10 „ —
200.	John Reading Esqr 45 dº	13 „ 10 „ —
201.	John Rodman Esqr 42 dº	12 „ 12 „ —
202.	Richard Smith Esqr 42 dº	12 „ 12 „ —
203.	Archd Home Esqr 45 dº	13 „ 10 „ —
204.	Thomas Bartow Clerk of the House of Representatives 45 Days	18 „ — „ —
	and for entering Minutes &c	8 „ — „ —
205.	Thomas Shreve Serjt at Arms to the House of Representatives 45 days	6 „ 15 „ —
206.	Simon Nightingale Serjt at Arms on the Council 45 days	6 „ 15 „ —
207.	Wm Pettit doorkeeper of the Assembly 42 days	6 „ 6 „ —
208.	Richd Smith Junr for firewood &c. for the Assembly	2 „ — „ —

209. Stephen Williams for a Council Room.. 3 „ 15 „ —
210. To Andrew Johnston Ballance as ℔ Act ..... 34 „ 13 „ —
211. Arch[d] Home for extraordinary Services..... 5 „ — „ —
212. Andrew Bradford Printer his Acc[t]... 45 „ 2 „ —

At a Council held at Kingsbury Feb[ry] 1[st] 1742.

Present
His Excellency Lewis Morris Esq[r]

John Reading
Rob[t] Hunter Morris } Esq[rs]
Arch[d] Home

His Excellency sign'd Warrants to the following Persons for a Quarter's Salary from the 23[d] Sept[r] to the 23[d] Dec[r] last Viz[t]

N° 213. To himself.....£250 „ — „ —
214. Rob[t] Hunter Morris Esq[r] Chief Justice..... 50 „ — „ —
215. Joseph Bonnel Esq[r] 2[d] Judge..... 7 „ 10 „ —
216. John Allen Esq[r] 3[d] Judge..... 7 „ 10 „ —
217. Joseph Warrell Esq[r] Attorney General ..... 10 „ — „ —
218. Arch[d] Home Esq[r] Clk of the Council 7 „ 10 „ —
219. Andrew Johnston Esq[r] [one] of the Treasurers..... 10 „ — „ —
220. John Allen Esq[r] one of the Treasurers ..... 10 „ — „ —
221. Walter Hetherington door keeper of the Council..... 2 „ 10 „ —

At a Council held at Kingsbury May 24th 1743.

Present
His Excellency Lewis Morris Esq^r

John Rodman
Richard Smith
Rob^t Hunter Morris } Esq^rs
Archib^d Home

His Excellency sign'd Warrants to the following Persons for a Quarters Salary from the 23^d December to the 23^d March last Viz^t

N° 222.	To himself	£250 „ — „ —
223.	R. Hunter Morris Chief Justice	50 „ — „ —
224.	Joseph Bonnel 2^d Judge	7 „ 10 „ —
225.	John Allen 3^d Judge	7 „ 10 „ —
226.	Joseph Warrell Attorney General	10 „ — „ —
227.	Arch^d Home Clerk of the Council	7 „ 10 „ —
228.	Andrew Johnston one of the Treasurers	10 „ — „ —
229.	John Allen one of the Treasurers	10 „ — „ —
230.	Walter Hetherington D. Keeper of the Council	2 „ 10 „ —

His Excellency laid before the Board a letter he had receiv'd from M^r Samuell Mason, a Trustee for the Moheegan Indians, informing him, that the Court, Constituted by his Majesty's Commission of Review of the 8^th of Jan^ry 1741 whereby the Governors and Councils of the Provinces of New York and New Jersey, or any five of them, are impower'd to determine the difference subsisting between the Governor and Company of the Colony of Connecticut, and the Moheegan Indians,[1] had been opened & adjourned to the 20^th day of

[1] The Mohegan Indians appealed to Queen Anne to secure the restoration of tracts of land measuring more than forty square miles, of which they had been deprived in twenty-two years, for little or no compensation. She issued a commission July 29th, 1704, against which Connecticut protested, and refused to recognize its

June next, then to meet at a place called Norwich in the Colony of Connecticut; His Excellency then proceeded to inform the Board, that he himself was unable to attend the said Service, having been Six Weeks Confin'd to his Bed and Chair and as yet unable to stir, but recommended it in the Strongest terms to the Gentlemen of the Council to pay Due obedience to His Majesty's said Commission. To which Mr Rodman & Mr Morris made answer that they were willing and ready to pay due Regard and Obedience to his Majesty's said Commission and on being well assured of their being paid the Charges generally allowed to His Majesty's Commissioners would attend at the time and place to which the said Commission now Stands adjourned.[1]

Mr Smith and Mr Home (the two other Members present) represented to His Excellency and the Board that they were each of them in so ill state of Health, of which they believ'd His Excelleucy and the Board sufficiently convinced, as would by no means permitt either of them to undertake so distant and fatiguing a Journey.

And the Board then unanimously gave it as their Opinion, That if His Excellency was able to go, (tho at present They saw he was not) Yet they thought it not advisable that he Should leave this Province and be at so great a distance from it at this Juncture When his Majesty is engaged in a War.

authority. The commission gave judgment in favor of the Mohegans. Connecticut appealed, but in 1721 effected a compromise with the Indians. Capt. John Mason, Trustee of the Mohegans, was dissatisfied, and in 1735 went to England to lay the case before the Crown. He died in England, and was succeeded in the Trusteeship by his sons, John and Samuel. The tribe at this time numbered 80 or 100 men. In 1737 a commission of review was made out in England, which met at Norwich in 1738, and decided against the Masons. The latter appealed, the decision was set aside, and a new commission appointed, January 9th, 1741. This body met at Norwich, July 9th, 1743, Robert Hunter Morris and Councillor Rodman representing New Jersey. In November the commission decided in favor of the Masons, Morris and Rodman voting with the majority. Another appeal was taken, and the case dragged along till 1766, the Crown finally deciding in favor of the Colony.—*History of the Indians of Connecticut*, by John W. De Forest, 1852, pp. 305–342. De Forest states that Gov. Lewis Morris represented New Jersey. The Journal of the Governor and Council shows that this is an error.

[1] See Papers of Lewis Morris, 161–2.

Journal of the proceedings of His Majesty's Council For the province of New Jersey at a Sessions of General Assembly of the said Province beginning at Burlington October 16th and Ending November 25th 1742.

Saturday October 16th 1742

Present
John Rodman
Richard Smith } Esqrs
Archibd Home

His Excellency having commanded the attendance of the House of Assembly in the Council Chamber was pleased to Open the Sessions with the following Speech Vizt

Gentlemen of the Council and Assembly.

The Support of the Government was so lately Settled and for so Short a Time, that it seems needless for me to tell you that it is now expired, or to recommend to you the making a Suitable Provision for that Purpose.

Your Knowledge of the Necessity that such Provision should be made, and your own just Inclinations to make it I believe are sufficient Inducements to you to do what is proper, and in the most Agreeable Manner on this Occasion, and I persuade myself are (as they should be) Motives so Strong as to make anything I can say on that Head, Superfluous to Men well disposed.

I Should be very glad to meet you frequently, to receive your good Advice for the Regulation of my own Conduct, as well as that of others; and to have often an Oppertunity of Assenting to such Laws for the Common Benefit, as are truly worthy of the Expence of the Publick Money, such often Meetings will Occasion.

The Amending of Laws now in force where Experience has discovered their Defects is not less necessary than the forming of new ones when wanted; and in both Cases great

Care should be taken in the Composing of them, so as truly to make them Answ^{r} the Ends intended by them, and as far as may be to prevent any Neglect or Failure in the due Execution of them; and that the Justice intended by them should not be obtained at an Expence more Grievous to those who will be concerned to apply for it than would be felt by the Want of it.

I must again Recommend to you the same things I did in the last Sessions at Amboy as Matters worthy of yo^{r} Consideratⁿ I shall add to what I then mentioned, that some Measures should be taken that the Publick Roads and Bridges may be kept in better Condition and Repair than for some time pass'd they have been.

Gentl^{n}

The true End of your Meeting is to do everything in yo^{r} Power conducive to the publick Happiness and welfare; and I hope such a Temper and Agreement will be cultivated and preserved between you that the good Purposes of your coming together may not, by any Means be defeated

LEWIS MORRIS.

Then the House Adjourned to

Munday Octo^{r} 18th 1742

Present
The same

The House adjourned to

Tuesday Octo^{r} 19th

Present
John Reading
John Rodman
Richard Smith
Archib^{d} Home
} Esq^{rs}

The House adjourned to

Wednesday Octo^{r} 20th

Present
The same

The House adjourned to

Thursday Octo^{r} 21st

Present
The same

The House adjourned to

Friday Octo^{r} 22nd

Present
John Hamilton
John Rodman
Rich^{d} Smith
Archib^{d} Home
} Esq^{rs}

The House adjourned to

Saturday Octo^{r} 23^{d}

Present
The Same

The House adjourned to

Munday Octo^{r} 25th

Present
John Hamilton
John Reading
John Rodman
Richard Smith
Archib^{d} Home
} Esq^{rs}

The House adjourned to

Tuesday Octo^{r} 26th

Present
The Same

The House adjourned to

Wednesday Octo^{r} 27th

Present
The Same

M^{r} Peace and M^{r} Vanbuskirk from the House of Assembly brought up a Bill entituled an Act to oblige the several Sherriffs of this Province to give Security and to take the Oaths or Affirmations therein directed For the due discharge of their Offices which was read the first time and ordered a Second reading.

A Message from the House of Assembly by Coll^{o} Farmar and M^{r} Richard Smith, That that House hath appointed M^{r} Cooper M^{r} Eaton, M^{r} Hude, M^{r} Low, M^{r} Benj^{a} Smith and M^{r} Leaming Jun^{r} to be a Committee to joyn a Com̃ittee of this House to inspect the Treasures Acco^{ts} and make report to the House

Ordered that M^{r} Reading M^{r} Rodman & M^{r} Smith be a Com̃ittee to join a Committee of the House of Assembly For the above purpose, and that they make report thereof to this House

Ordered that M^{r} Home do acquaint the House of Assembly therewith.

M^{r} Pearson and M^{r} Demarest from the House of Assembly brought up a Bill entituled an Act declaring how the Estate or right of a Feme Covert may be Convey'd or extinguish'd which was read the first time and ordered a Second reading.

Then the House adjourned to

Thursday Octo^{r} 28th

Present
The Same

Mr Home reported that he had obey'd the order of this House of yesterday

The Bill entituled an Act to Oblige the several Sherriffs &ca was read a Second time and Committed to a Committee of the whole House or any three of them

Mr Eaton, and Mr Brick from the House of Assembly broug^{t} up a Bill entitled an Act subjecting Real Estates in the province of New Jersey to the Payment of Debts and directing the Sherriff in his proceedings thereon which was read the First time and ordered a Second reading.

The Bill entituled an Act declaring how the Estate or Right of a Feme Covert &ca was read a Second time and Committed to the whole House or any three of them.

Then the House adjourned to

Friday Octor 29th

Present
The Same.

The Bill entituled an Act Subjecting real Estates &ca was read a Second time and Committed to the whole House or any three of them.

Mr Reading from the Committee of the House on the Bill entituled an Act declaring how the Estate or Right of a Feme Covert &ca reported that they had made several amendments thereto, which were read and agreed to by the House.

Ordered, that Mr Smith do carry down the said Bill wth the amendments made thereto by this House to the House of Assembly for their Concurrence.

Then the House adjourned to

Saturday Octor 30th

Present
The Same

Mr Vandevere and Mr Leaming Junr From the House of Assembly brought up the Bill entitled an Act declaring how the Estate or Right of a Feme Covert may be convey'd or extinguished that house having agreed to the amendments made thereto by this House and pass'd the same.

Then the House adjourned to

Munday Novr 1st

Present
The Same

The House adjourned to

Tuesday Novemr 2d

Present
The Same

Mr Rodman From the Committee on the Bill entitled an Act Subjecting Real Estates &ca reported the same without any Amendments

Then the said Bill was read a third time and on the question.

Resolved, that the said Bill do pass.

Ordered, that the Speaker do sign the same

Ordered, that Mr Reading do acquaint the House of Assembly that this House has pass'd the said Bill

The Amended and Engross'd Bill entitled an Act declaring how the Estate or Right of a Feme Covert &ca was read a third time and on the question.

Resolved, that the same do pass.

Ordered, that the Speaker do sign the same.

Mr Home from the Committee on the Bill entitled an Act to oblige the several Sherriffs &ca reported that they had made one Amendment thereto which was read and agreed to by the House.

Ordered, that Mr Smith do carry down the said Bill with the Amendment made thereto by this House to the House of Assembly for their Concurrence.

Then the House adjourned to

Wednesday Novr 3d

Present
The Same

Mr Reading reported that he had obey'd the order of this House of Yesterday.

Mr Smith reported that he had obey'd the order of this House of Yesterday

Mr Rolph and Mr Vanmiddleswart From the House of Assembly brought up a Bill entitled an Act concerning acknowledging Deeds in the Colony of New Jersey, which was read the first time and ordered a Second reading.

Collo Farmar and Mr Richard Smith from the House of Assembly brought back the Bill to oblige the several Sherriffs to give Security &ca with the amendment made thereto by this House, that House having disagreed to the said Amendment and adhered to the Bill.

which said Message being taken into Consideration and the Question put, whether this House adheres to their amendmt made to the said Bills? it was carried in the Affirmative?

Then the question was put, whether a Conference be demand'd, with the House of Assembly on the subject matter of the said Amendment and carried in the Negative.

Then The House adjourned to

Thursday Novemr 4th

Present
The same.

The Bill entitled an Act concerning the Acknowledging of Deeds &ca was read a second time and committed to the House or any three of them.

Mr Low and Mr Hancock From the House of Assembly brought up the Bill entitled an Act for the Registring of Deeds and Conveyances of lands in each respective County of this Colony, which was Read the first time and ordered a Second reading

Then the House adjourned to

Friday Novr 5th

Adjourned to

Saturday Novemr 6 :

Adjourned to

Munday Novemr 8th

Present
The Same

Mr Cook and Mr Vanbuskirk From the House of Assembly broght up a Bill entitled an Act [to] relieve the necessities of the Inhabitants of this Colony of New Jersey, by making Forty thousand pounds in Bills of Credit.

As also a Bill entitled an Act for Defraying the Expenses that may arise on printing signing &ca the sum of Forty thousand pounds in Bills of Credit.

Then the House adjourned to

Tuesday Novr 9th

Present
The Same

The Bill entitled an Act to relieve the Necessities of the Inhabitants &ca was read the first time and ordered a Second reading

The Bill entituled an Act for defraying the Expenses &ca was read the first time and ordered a Second reading.

The Bill entitled an Act for the registring of Deeds & Conveyances &c^{a} was read a Second time and Committed to the House or any three of them.

Then the House adjourned to

Wednesday Nov^{r} 10th

Present
The Same.

The Bill entitled an Act to relieve the necessities of the Inhabitants of this Colony &c^{a} was read the second time and committed to the House or any three of them.

The Bill entitled an Act for defraying the Expenses &c^{a} was read a Second time and Committed to the House or any three of them.

Then the House adjourned to

Thursday Nov^{r} 11th

Present
The Same.

The House adjourned to

Friday Nov^{r} 12th

Present The Same

The House adjourned to

Saturday Nov^{r} 13th

Present the Same

M^{r} Rodman from the Committee on the Bill entitled an Act concerning the acknowledging of Deeds &c^{a} reported the same without any Amendment.

Then the said Bill was read a third time, and on the question

Resolved that the same do pass.

Ordered that the Speaker do sign the same.

Ordered that Mr Rodman do acquaint the House of Assembly that this House has pass'd the said Bill.

Mr Rodman reported that he had obey'd the above order

Then the House adjourned to

Munday Novr 15th

Present
The Same

Mr Smith from the Comittee on the Bill entitled an Act concerning the registring of Deeds and Conveyances of lands in each respective County of this Colony reported the same without Amendment.

Then the question was put whether the said bill be read a third time, and carried in the Negative.

Then the question was put whether the said bill be rejected and carried in the Affirmative.

Then the House adjourned to

Tuesday Novr 16th

Present
The Same

Mr Low and Mr Shinn from the House of Assembly brought up a bill entitled an Act for ascertaining the Fees to be taken by the several Officers in the Colony of New Jersey.

A Message from the House of Assembly by Mr Vanmiddleswart and Mr Peace desiring to know what Progress this House has made in the Bill for registring of Deeds &c^{a} sent

up the 3d instt as also in the Bill to relieve the necessities &ca sent up the 8th instant for the Concurrence of this House.

Mr Reading from the Comittee on the Bill entitled an Act to relieve the necessities &ca reported that they had made several Amendments to the said Bill which were read and agreed to by the House

Ordered, that Mr Reading do carry down the said bill with the amendments made thereto by this House to the House of Assembly for their Concurrence.

Ordered, that Mr Reading do also carry down to the House of Assembly the Minute of this House of 15th instt relating to the Bill for registring Deeds & Conveyances of lands &c that the said House may be thereby informed what Progress this House has made in the said Bill.

Mr Reading reported that he had obey'd the above orders of this House.

The Bill entituled an Act for ascertaining the Fees to be taken by the several Officers &ca was read the first time, Then the question was put whether the said Bill be read a Second time? and carried in the Negative.

Ordered, that the said Bill do lie upon the Table for Further Consideration.

Then the House adjourned to

Wednesday Novr 17th

Present
The Same

Mr Leonard and Mr Brick from the House of Assembly brought up the engross'd Bill entitled an Act for making Current £40000 in Bills of Credit, with the amendments made thereto by this House, that house having agreed to all the said Amendments.

Then the said Bill being read and Compared,

Resolved that the same do pass.

Ordered, that the Speaker do Sign the same

Mr Reading from the Committee on the Bill entitled an Act For defraying the Expences that may arise on printing signing &c[a] reported the same with some Amendments, which were read and agreed to by the House.

Ordered, that Mr Reading do carry down the said Bill with the Amendments to the House of Assembly For their Concurrence

Mr Reading reported that he had obey'd the above order

Then the House adjourned to

Thursday Novr 18th

Present
The Same

Mr Richard Smith, and Mr Hude from the House of Assembly brought up the Bill entitled an Act for the support of the government of His Majesty's Province of New Jersey for one year &c[a]

Mr Leaming Junr and Mr Peace from the House of Assembly brought up the Engrossed Bill entitled an Act for defraying the Expenses that may arise on printing signing &c[a] the sum of £40,000 &c[a] with the Amendments made thereto by this House, that House having agreed to all the said Amendments.

which Bill with the Amendments being compared, and read a third time.

Resolved that the same do pass.

Ordered, that the Speaker do sign the same

The Bill entitled an Act for the Support &c[a] was read the First time, and ordered a Second reading.

Then the House adjourned to

Friday Novr 19th

Present
The same

The Bill entitled an Act for the Support &c^{a} was read the Second time and ordered a third reading.

The House adjourned to the Afternoon

The House then met

Present the same

The Bill entitled an Act For the Support &c^{a} was read the third time, and on the Question put

Resolved that the same do pass

Ordered that the Speaker do sign the same

Ordered that M^{r} Smith do acquaint the House of Assembly that this House has passed the said Bill, and that this House have now no Buisness before them

Then the House adjourned to

Saturday Nov^{r} 20th

Present
The Same

M^{r} Reading from the Committee appointed to inspect the Treasurers Acct^{s} &c^{a} reported the same which Report was read and Agreed to by the House and is as follows Viz^{t}

The Committees appointed to Examine the Treasurers Accompts having carefully examined the same do agree that M^{r} Reading from the said Committees do make the following Report to the Council contained in the following Accompt.

D^{r} John Allen Treasurer of the Western Division C^{r}
of the province of New Jersey

Support of Government

To arrearages in Burlington County as the same was reported at Last Settlem^{t} in the year 1740.....	£30 „ 5 „ 8	By part of a Deficiency at last Settlem^{t} in the Co: of Burlington unpaid	18 „ 8 „ 11

Interest Money payable

To Sundry Deficiencies in the first £40,000 in the several Loan Offices as Reported at last Settlem^{t} in y^{e} year 1740 in the Counties Viz

Hunterdon ...	£ 22 ,, 3 ,,	7¾
Burlington	,, 13 ,, 7 ,,	2¼
Cape May	,, — ,, 4 ,,	7¾

£35 ,, 15 ,, 5¾

Interest Money Payable from Hunterdon County part of the first years Interest money arising from y^{e} £20000 still unpaid as by y^{e} s^{d} Treasurers Acco^{t} said to be due from the Estate of James Trent late Commiss^{r} of the Loan Office of s^{d} County deceas^{d} as the same was reported in the last Settlement in the year 1740 ..... £34 ,, — ,, —

To the Balance remaining due in his hands at last Settlem^{t} for Interest & Support..... 483 ,, 8 ,, 4¾

To Interest money payable from the Western Counties for the £20,000 in y^{e} years 1740, 1741, & 1742

Hunterdon ..	£ 184 ,, 10 ,,	—
Burlington ..	,, 317 ,, 1 ,,	3
Gloucester	,, 217 ,, 17 ,,	6
Salem	,, 370 ,, 8 ,,	6
Cape May	,, 76 ,, 14 ,,	6

£1166 ,, 11 ,, 9

To Interest money payable from the Western Counties for the £40,000 in the years 1740, 1741, & 1742

By Sundry Deficiencies in the first £40,000 Still unpaid by the Counties following Vizt Hunterdon as by ye said Treasurers Account is said to be due from the Estate of James Trent, late Commr decd.....

£22	,, 3 ,,	7¾
Burlington 13	,, 7 ,,	2¼
Cape May....	,, 4 ,,	7¾

£35 ,, 15 ,, 5¾

By a Deficiency in the County of Hunterdon part of the first years In^{t} money arising from the £20,000 Still unpaid as by the said Treasurers Account is said to be due from the Estate of James Trent, late Commiss^{r} of the Loan Office of the said County deceased ..... £34 ,, — ,, —

By sundry Warrants Certificates &c^{a} produced & endorsed by Order of the Comittees as accounted for amounting in the whole to the sum of Two Thousand three Hundred and Fifty eight pounds five Shillings and eight pence..... £2358 ,, 5 ,, 8

Balance due. ..... ,, 1973 ,, 5 ,, 8¾

£4420 ,, 5 ,, 9¾

By Order of the Committees
Jn^{o} Reading
Jos: Cooper

Hunterdon ..	£ 384 ,, — ,, —	
Burlington ..	,, 655 ,, — ,, —	
Gloucester ...	,, 451 ,, — ,, —	
Salem	,, 765 ,, 12 ,, —	
Cape May....	,, 160 ,, 4 ,, —	
		£2416 ,, 16 ,, —
To part of the £4,000 remaining in s[d] Treasurers Hands appointed to be cancelled & Destroyed in Bills dated 1724 (if to be found) as the same was reported at Last Settlm[t] in 1740 the sum of.....		£253 ,, 8 ,, 6
		£4420 ,, 5 ,, 9¾

The Committees further proceeded to Examine sundry Bundles of Ragged & Torn bills Exchanged by y[e] s[d] Treasurer & Cancelled, bundled up, tied, Sealed and Certified by the Justices & Freeholders of the County of Burlington pursuant to the Acts of Assembly of this province in the whole amounting to £2400 ,, 12 ,, which were destroyed in the presence of the said Committees by Burning.

The said Committee do further agree that M[r] Jn[o] Reading from the said Committee do make the following Report to the Council contained in the following Account

Dr Andrew Johnston Esqr Treasurer of the Eastern Division to the Province of New Jersey Cr

Support of Government

To sundry Arrearages in the following Counties as the same was Reported in 1740 vizt

Middlesex...	£ 18	18	5¼
Ditto in 1730	25	—	—
	£ 43	18	5¼
Somerset.....	18	3	—

To a Ballance last Settlemt which was due from Mr Michl Kearny late Treasurer and ordered to be paid to Andrew Johnston, Esqr present Treasurer..... 567 1 4¾

To the Ballance remaing in his hands at last Settlemt in 1740 as ℔ Report... ..... "1046 18 11½

To sundry Defficiencies in the Interest money at their Report Vizt

Bergen	£ 21	4	9¼
Essex.....	72	6	5¾
Middlesex..	38	12	7¼
Monmouth	246	11	6½
	378	15	4¾

To Interest money Payable from the Eastern Division for the £20,000 in ye years 1740, 1741, & 1742,

Bergen	£ 209	2	9
Essex.....	349	4	9
Middlesex...	295	15	3
Monmouth..	438	6	9
Somerset.....	96	7	6
	1388	17	—

To Interest money payable from the Eastern Counties for the £40,000 in ye years 1740, 1741, & 1742 vizt

By sundry Deficiencys ℔ Contra in the Counties as the same was reported at last Settlemt vizt

Middlesex outstandg	£18	18	5¼
Ditto in 1730	25	—	—
	43	18	5¼
Somerset.....	18	3	—

By Ballance still due from the Estate of Michael Kearney Deceased 309 6 4¾

By sundry Defficiencys still unpaid in the Interest money in the following Counties vizt

Bergen.....	£21	4	9¼
Essex.....	72	6	5¾
Middlesex..	38	12	7¼
	132	3	10¼

By sundry Warrants Certificates &ca produced & Endorsed by order of the Committees as accounted for Amounting in the whole to Sum of...2506 11 10

Ballance due 3292 4 8

6302 8 2¼

By the said sum of One Hundred Eighty four pounds five Shillings in Bills Dated in 1728 which the Committees together with His

Bergen.....	£432 ,, 18 ,, —	
Essex.....	722 ,, 2 ,, —	
Middlesex...	603 ,, 18 ,, —	
Monmouth..	904 ,, 16 ,, —	
Somerset.....	201 ,, — ,, —	
		2864 ,, 14 ,, —
		£6302 ,, 8 ,, 2¼

To part of the four thousand pounds which (as Executor of John Parker deceased who in his life time Assumed to pay the same for Moses Rolph late Collector of Middlesex County) remained in the s^d Treasurers hands at the last Settlem^t in 1740 and which was then ordered to be Exchanged for Bills dated in 1728 the sum of ..... £184 ,, 5 ,, —

To the Deficiencys Reported in 1740 Viz^t in

Essex.....	£7 ,, 12 ,, 5	
Somerset.....	,, 1 ,, 18 ,, 7	
		,, 9 ,, 11 ,, —

To the other part of the said £4000 being the ballance remaining Uncancelled in Michael Kearny late Treasurers hands as ℔ Report in 1740 and since paid to the present Treasurer the sum of..... 208 ,, 13 ,, 6

By Order of the Committees

JN° READING

JOS. COOPER

Excellency the Governor saw destroyed by burning.....£184 ,, 5 ,, —

By arrearages Still outstanding Viz^t in

Essex.....	£7 ,, 12 ,, 5	
Somerset.....	1 ,, 18 ,, 7	
		9 ,, 11 ,, —

Ballance remaining in the Treasurers hands which sum of £208 ,, 13 ,, 6 the Committees are of Opinion ought to be Exchang'd by the Treasurers for Bills dated in the year 1728..... 208 ,, 13 ,, 6

His Excellency came into Council, and having commanded the Attendance of the House of Assembly was pleased to acquaint that House that he had O[b]served in the Votes of their House of the 19th Instant signed by their Clerk the following Minutes and order

"It appearing to the House by the above Report that there "is a Sum of money remaining in the hands of John Allen "Esq^r Treasurer of the Western Division to be destroyed in "Bills dated in 1724 (if to be found) Ordered that the said "Treasurer do Exchange any Bills dated in the year 1724 not "exceeding the Sum reported, and that M^r Rich^d Smith do "get Advertisements inserted in the Pennsylvania Gazette to "give Notice to all persons possessed of such Bills that they "may have them Exchanged.

Then His Excellency demanded of the House of Assembly by w^t Authority they had made the above receited Order? The House of Assembly by his Excellencys permission withdrew

Then the House adjourned to

Munday Nov^r 22

Present
The Same

His Excellency came into Council and laid before the House A Message he had received from the House of Assembly dated the 20th instant in the following words viz^t

"Ordered, that M^r Cooke M^r Leonard & M^r Eaton do "wait on his Excellency and acquaint him that what the "House designed in Ordering the money dated in 1724 to be "exchanged was in pursuance of Agreements of the Com-"mittees of the Council and Assembly particularly that "reported in 1730, and without Design Design or so much as "a thought of Attempting any other power than what was "agreeable to that Report, and to remove any Jealousy that

"his Excellency may entertain of this House assuming a "power that does not belong to them they are willing to "recede from the same

"THO^{s} BARTOW Clk of the Assembly

"Novem^{r} 20th 1742

His Excellency was then pleased to demand of the Council whether they knew of any Agreements of the Committees of the Council & Assembly as set forth in the said Message? and then left the House.

The House having considered of His Excellency's said Question and having perused the Books of Council do Find that on the 9th July 1730 M^{r} Parker Chairman of the Committee of Council appointed to join a Committee of the House to inspect the Treasur^{ers} Acco^{ts} made report thereof to the then Governor and Council in which said report are y^{e} Following Words viz^{t} "That it appears by Divers minutes of "Council, John Allen, Treasurer of the Western Division "hath laid before the Governor and Council at Divers times "the Sum of £916 „ 19 „ in old Bills & £458 „ 9 „ 6 in new "Bills to be Cancelled which was accordingly done, That "supposing he hath received all the Taxes for that Purpose "And that there are no Difficeincies in the Western Division "there will remain in his hands to be cancelled the Sum of "£458 „ 9 „ 6 which ought to be in old bills, But the Com- "mittee having Enquired of the said Treasurer Concerning "the same, were by him informed, that the bills by him laid "before the Council and there Cancelled in January 1728 to "the value of £458 „ 9 „ 6 were new bills which he has "since been informed should have been old bills, that he now has the sum of £456 „ 9 „ 6 in new Bills ready to lay before the Governor and Council to be Cancelled but that he had not any Old Bills, so that it appears to the Committee that there Still remains to be Cancelled of the £4000 the Sum of Four Hundred thirty six pounds & one Shilling in old Bills which Sum they are of Opinion (in as much as it may be reasonably Expected that many of the said old Bills are lost)

will be more than Sufficient to Exchange all that now Remains to be Exchanged. That after allowance of the sum of £77 „ 11 „ 6 to be given in Exchange for old Bills, and for all Differenᵗˢ there will remain in New Bills to be Cancelled as aforesaid in the hands of The Treasurers of the Eastern Division the Sum of £291 „ 19 „ 6 And the Committee are of Opinion that the said Treasurer do Continue to Exchange old Bills to the value of £77 „ 11 „ 6 and that the Treasurer of the Western Division do Continue to Exchange Old Bills to the value of £458 „ 9 „ 6 (if so many as will Amount to that value are offered to be Exchanged) in Order to make up the Sum of Three thousand pounds Which according to Law ought to be Cancelled in Old Bills[1]

That it does not Appear to this House that said Report was agreed to by the Governor and Council nor does it appear to them that the said report was Signed by the said Mᵗ Parker, or any person whatsoever, That as to any other or Subsequent Agreements made by the Council or their Committees to the purposes mentioned in the Assembly's Message, they never knew of nor were consenting to any.

Then the House adjourned to

Tuesday Novᵗ 23ᵈ

Present the same

The House adjourned to

Wednesday Novemᵗ 24ᵗʰ

Present the same

His Excellency having communicated to this House the following Message, was pleased to send the same to the House of Assembly

[1] N. J. Archives, XIV., 445-6.

Gentl[n]

"I have communicated your Message of the 20[th] Instant "to the Gentl[n] of the Council, as I told your Messengers I "would, and I send you herew[th] their Answer by which it "appears that the Committees Agreed in Opinion that the "Treasurers should continue to sink old bills to a Certain "Value there mentioned, and agreed to report this Opinion; "which they accordingly did but it doth not appear that "either the Governor, the Council or the House Agreed to "the Opinion of their Committees or Approv'd of it; and it "is most probable they did not; because there was no Law "made for that purpose pursuant to the Opinion of the "joined Committees and without such Law it could not be "done; as it is probable James Alexander Esq[r] a Judicious "Lawyer one of the Members of Council (not of the then "Committee) and present at the delivery of the Report "might inform them nor doth it appear that any Order was "made by the Council and Assembly or either of them for "that purpose because they must have known the Treasurer "would have been Criminal in Obeying of it had such an "Order been made for by an Act of the Legislature of this "Province made in the first year of the Reign of His Pres-"ent Majesty George the Second the Currency of the Bills "made in 1724 between Man & Man Expired & ceas'd the "first Munday in Novem[r] 1728 and were not to be taken by "the Treasurers after the first day of November 1729, as is "expressly declared in the body of the said Act and in the "form of an Advertisement directed in the said Act to be "printed in the public News papers, So that any Order made "by the Council and assembly or Either of them in 1730 "could not Oblige the Treasurer to take them in Exchange "contrary to the Express words of the said Act nor any "thing of less Authority than an Act of the Legislature. "But whatever was the Opinion of the Committees of that "time is not very Material there has been at this time no "Committee of Council joined with a Committee of yours on "this subject nor no Application made by your House for a

"Committee for that purpose no report made as then was of "any opinion nor no Application to me on the head but "without any Application to the Council or to the Governor "You have by the pretended plenitude of your own Sup- "posed Unlimited power without any Colour taken upon "yourselves to Order that the Treasurer do Exchange any "bills now in his hands for bills dated in the year 1724 tho' "by an Act made 1727 you well know those bills were for- "bidden to be receiv'd any longer than till the first day of "November 1729 now fourteen years Since. This is what "no less a power than that of the whole Legislature can do "& if no Act of the Legislature warrants the doing of it is "in you an assuming and taking upon yourselves the whole "power of the Government Exclusive of the Governor and "Council and therefore I require of you that if any such "Order be given by your House that you do revoke and re- "call it in Express Terms, That you do not presume hence- "forth to give any such Order and I hope you will disclaim "in your Minutes any Power or Authority to make such an "Order

LEWIS MORRIS.

Dated y^e^ 22^d^ Novem^r^ 1742

The House adjourned to

Thursday Nov^r^ 25^th^

Present
The same

His Excellency came to the Council Chamber and having commanded the Attendance of the House of Assembly, was pleased to give his Assent to the following Bill viz^t^

An Act for the Support of the Government of His Majesty's Province of New Jersey for one year to Commence the twenty third day of Septm^r^ 1742, and to end the 23^d^ of September 1743,

And made the following Speech Viz^t^

Gentlemen

I find by the Council Books, that M^r^ Burnet the Governor of this Province on the 26^th^ of April 1722, laid before the then Council A Letter from the Board of Trade,[1] dated the 21^st^ March 1720/21 which I shall read with what follow'd upon it. It appears by what has been read that the Governor directed the then Chief Justice, to draw an Act pursuant to their Lordships Letter, which was done, and afterwards pass'd by the Council with some Amendments to the Title, The Act pass'd by the Council was to repeal some Clauses comprehended in an Act of Assembly, made in the 12^th^ & 13^th^ of Queen Anne, Entitled an Act Enforcing the Observation of the Ordinance Establishing fees before that time appointed for the Secretary, And for repealing another Act made in the same years Entitled an Act for shortning Law Suits, and regulating the practice of the Law and for repealing another Act, made in the same years, Entitled *an Act for acknowledging and recording Deeds & Conveyances of Lands within each respective County of this Province.* These Acts, and the part in the in the first mentioned, were by the Council thought to be prejudicial to the Secretarys Office, and for that reason endeavour'd to be repeal'd; but to this Act (or rather bill) the Assembly would not Consent, So it did not become a Law; and things remain'd as they were before the Secretary's Complaint, notwithstanding their Lordships Letter to the Governor. It appears, that Brigadier Hunter had Inform'd that board, that these Laws were made to punish the person [who was] Secretary when these Laws were pass'd who he said, had been Guilty of Notorious Crimes, and that the Judges of the Supream Court had represented, unto him, that the Act for shortning of Law Suits and regulating the Practice of the Law, was intirely destructive of their Jurrisdiction, and ought not to be continued, & their Lordships Say That in Case the Assembly, shall not Comply with what seems so reasonable they desire the Governor to Examine into the matter, and send them a true State of the Case and particularly what the

[1] N. J. Archives, XIV., 225.

fees were before the passing of these Acts, and what they were reduced to Since, and the Reason why thy require a true State of the Case is that proper measures may be taken for his (the Secretary's complaints) relief.

I think it may be Observ'd from this that though their Lordships might think it reasonable to punish an Officer if guilty, they did not think it so to Abridge the fees of an Office for that purpose; because that would not only be a punishing of all his Successors for his Crimes, but be destroying a necessary Office; without which the buisness of the Province could not be done, It may be also Observ'd that their Lordships did not approve of what was supposed to be destructive of the Jurisdiction of the Supream Court. The Assembly did not comply with what their Lordships then and what the Council here afterwards thought so reasonable, a State of the Case was sent home to their Lordships, as they had directed the Governor to do; And I find that at a Council held at Amboy the 14th of November 1722, the Governor laid before the board a Letter from the board of Trade[1] of the 22d of Februry 1721/2 Inclosing a Report they had made to the King on the 10th of Janry before, wherein they Represent to His Majesty, their Reasons why three Acts, therein mentioned should be disallowed of by His Majesty Vizt An Act, for shortning Law Suits and regulating the Practice of the Law, An Act for Recording Deeds and conveyances of land within each respective County of this Province, An Act for enforcing the Observation of the Ordinance for establishing fees within this Province (Among the Reasons there given by their Lordships for the repealing those Acts, which have been already partly mentioned, they add with regard to the Act last mentioned that the whole Scope of it is to take away the Accustomed fees of Office, from persons who Enjoy the same by Immediate Patent from the Crown; by which Appointment of the Crown, The Dependance of the Plantations is in some measure Secured to Great Britain and they conclude with a farther reason why those acts may be dis-

[1] N. J. Archives, XIV., 239-41.

allow'd Viz^{t} because they appear'd to them to be Great incroachments upon the Prerogative of the Crown.

It appears by what has been read to you that on the 20th of the same Janu^{ry} after the Report, the King, in a prety full Council, took this matter into Consideration. And after setting forth by what Authority we made Laws here viz^{t} by virtue of a Commission under the Great Seal of great Britain (as is done in all Cases where Either Laws are Confirmed or disallowed of by his Majesty) and after taking Notice that these Laws had been perus'd and considered of by the Lords Commissioners for trade & Plantations, and by them presented to that board, with their Humble Opinion that the same be repeal'd His Majesty with the Advice of His Privy Council was pleas'd to repeal them and make them utterly void from all this it may be Observ'd first that in the Opinion of His Majesty and his Ministers, we have no Right of making of Laws but what is Given us by his Majestys Comission under the Great Seal, & consequently, that our pretending to any other right, or to make them in any other manner than is Given or directed by his Majesty in that Commission, will be construed an attempt to throw off his Government and make ourselves independant of Great Britain.

2^{dly} That in the Opinion of His Majesty and his Ministers, the less'ning of the fees of those Officers, that hold Immediatly under his Majesty's Patent; or taking away or lessening the Jurisdiction of the Supream Court, is an Attempt to lessen our Dependance on Great Britain, and a great incroachm^{t} upon the Prerogative of the Crown, from hence it may naturally be Imply'd, that to do, or attempt to do anything, that has been or will be by His Majesty and his Ministers consider'd in such a light is not consistant with the discretion of prudent mean[1]

Notwithstanding the repeal of these Acts, the Assembly Attempted them again; but with titles something different; upon which M^{r} Burnet the then Governor communicated an Instruction to him, in these words.

"And you shall not re-Enact any Laws to which our As-

[1] Men.

"sent has been refus'd without Express leave for that Pur-
"pose first Obtained from us, upon a full representation, by
"you to be made, of the reason and Necessity of passing
"such Laws—This Instruction I have but something more
"full Viz: „ And you shall not re-enact any law to which
"the Assent of us, or our Royal Predecessors has once been
"refused without express leave for that purpose first Ob-
"tained from, upon a full representation by you to be made
"to us, and to our Commissioners for Trade and Plantations,
"of the Reason and Necessity for passing such Law.

Notwithstanding this these Acts pass'd Viz:

1st An Act Concerning the Acknowledging and Enregistring of deeds and Conveyances of Land and declaring how the Estate or Right of a Feme Covert may be convey'd or Extinguish'd.

2d An Act for Shortning Law Suits, and regulating the Practice & Practitioners of the Law and other Officers.

3d An act for the better Inforcing an Ordinance, made for the establishing of fees, and for regulating the Practice of the Law: The two first of these were repeal'd by his Majesty in Council, the 25th of November 1731 and the last the 21st of August 1735.

It seems plain from this, that these Acts were the same in Substance with those before disallowed of, tho' alike altered in their titles; and no doubt to be made of it, repealed for the same Reasons Viz: as being in their Nature tending to lessen, and finally to take away the dependance we have upon Great Britain; and as they were great Encroachments upon the Prerogative of the Crown.

There are two Acts now before me to which my Assent is desired Vizt An Act declaring how the Estate or right of a Feme Covert may be convey'd or Extinguished and An Act concerning the acknowledging deeds in the Colony of New-Jersey Both these Acts were formerly contain'd in Substance, within the Act above mentioned, Entitled an Act concerning the Acknowledging & Enregistring of Deeds & conveyances of land; and declaring how the estate & right of a feme

covert may be convey'd or extinguished; but they now come up in two distinct Acts, and if the other part, with respect to the Enregistring of deeds, had come up in a distinct Act also, then my assent had been desired to three Acts, which had been formerly repealed, by his Majesty, under one title in one bill; and all the three might have been as well ofrid [offered] for my assent as any two of them as it doth not appear for what particular part the Act before mentioned was disallow'd of tho' certain it is the whole and all the parts of it were disallow'd of; with what View was my Assent desired to Acts, disallow'd of by his Majesty & that even without a suspending Clause according to his Instructions, well known to you, unless it was to Expose me to Just censure for giving such Assent; and how kind it was to do so, I leave to be determined by all Indifferent persons; and even to the consciences, of those concern'd in the doing of it; & I hope my not Assenting to Laws I am not Impowered to Assent unto will not be call'd a fault; but on the contrary, a Strict adherence to do my Duty which by Gods assistance, nothing shall intimidate me from doing.

There is nothing more common in the mouths of the populace than, Saying give us good laws, and we will Support the Government and what they call good laws, are such only as they like; and Agreeable to this they are made to believe, that if the Governor doth not Assent to such Laws as are Off'red for his Assent, the Assembly are Justifyable in not raising a Support for his Majesty's Government; tho' he is forbid to Assent to those Laws: as in the Cases before mentioned; or tho' the Govern^{r} himself very much disapproves of them; which (notwithstanding the Attempts of your Honourable House with respect to the bills of Credit made in the year 1724) I hope no body will presume to say, he has not a right to do.

The Assent to Laws we have a power to make ought to be free, and not compell'd in any part of the Legislature, and I believe you would think so your selves, were there any Attempts made to compell your Assent to any Law propos'd

by the Council, Yet I may ask with what view those Strong Endeavours were made in your House, to annex a fee bill to the bill for Support of the Government, (a bill to which you would never suffer an Amendment to be made) unless it was to Compell the Governor and Council, to pass that fee bill, in such manner as your Honourable House should pass it without any Amendment?

It is true the attempt did not succeed; and I thank you for what is done but believe most People will think it had been more for the interest of the Publick, if it had been made for a longer time; and it may not be unworthy your Notice to Observe, that this fee bill tho' not Intitled An Act to Inforce Obedience to an Ordinance made for Establishing fees &c yet whatever title you will please to give it, if it be of the same nature of that which was twice repeal'd, for reasons I need not repeat, it will not be difficult to Say what will be the Success of it or the Sentiments of his Majesty's Ministers concerning it.

Your Bill for making lands Chattels, doth not with any certainty Express what Estate the Purchaser from the Sherriff shall be Vested w^th^ whether in fee or for Life: or years; & for that reason I shall referr it to farther consideration.

Your Bill for paying the Expenses that may arise on Printing Signing &c^a^ the Sum of £40,000, I am told was intended should be pass'd in a Secret manner peculiar to itself as usuall; and not sent home, that the Ministry might not know I was to have 500 pounds for passing it, The Offering this, I suppose, you believ'd would be a Sufficient Inducem^t^ to Obtain my Assent to your £40,000 Act, your making of that offer Shews what your Notions of Virtue and Honour are, & what many of you would do, if in my Case, for a Much less Sum: but you Mistook your Man; for if I know myself your whole £40,000 would not have Prevail'd upon me to have Acted so mean apart. If I recommend any bill, it shall be, (what I deem) the intrinsick goodness of it shall induce me to do it, and not any Sum

you can give me, If you believ'd money would have influenc'd me to come into your measures, the offer should have been of a different kind, and not of such a nature, that none but a Fool would have been influenced by; and instead of being an Inducem[t] to recommend your bill, or using any Interest to get it pass'd at home would be a Strong motive to the Contrary. We have I think in a wonderful manner, preserv'd the Credit of our Bills; but, that this is owing to any prudent management of our own, I will not venture to affirm: but should your bill pass in the manner now offered for my Assent, there is much reason to believe your money would soon fall 15 ℔ Cenct in its value and consequently my own Sallary and that of every Officer of the Government, become of 15 ℔ Cent less value than they are at present: and to induce me to get this done, I am to have what will be of the Present value of £425. to take 150 ℔ Annum from my own Salary, if my behaviour (Subservient to your purposes) induces you to continue it. Excellent motives to prevail upon me to recommend a bill of this Nature for his Majesty's Assent? Thus much for this Vertuous and honourable bill; which makes it needless to Say much of the other grand Bill that this was to meedwife into the world; but something seems to me convenient, if not necessary, to Say concerning it.

In my Speech, at the beginning of the Session, I address'd myself to both parts of the Legislature, relating to the Settlement of the Support of the Government: because I conceiv'd that by Express words of the Law, by which money is made and already apply'd to that purpose, they had an equal right with you to Agree upon the quantum that should be made use of at this time for that end: it being equal to me in which House the bill took its rise.

This it seems gave (as I have been told) some offence; as being a tacit disallowance of that unlimited power, you by your late order show, you are Grasping at, and have not thought fit to disclaim, and therefore Say, that a bill of that nature, cannot take its rise but in the House of Assembly

only. As this case is circumstanced, I know of no Law or reason that will Justifie such an Opinion; & your present bill for making £40,000 being to put so much money into the Loan Offices without any certain Indisputable provision for the Support of the Government, I cannot think it proper for me to Assent unto it; Had that been done: Had a Sufficient sum of money been by that bill Appropriated to the building of a House and conveniences for the Residence of a Governor, Places and Houses for the Sittings of the Council and Assembly, and for the safe keeping & preserving of the Public records of the Province, whereby many tradesmen and the poor and Labouring part of the Inhabitants of the Province, might have been Imploy'd; & the money circulated among ourselves; had there been any Provision made for encouraging and increasing the litle Trade, and the few Manufactures we have, whereby more Trad-men and Labourers might be Imploy'd; I dont know how far I might have been induced, for these and other good purposes to assent to it: But as none of these things are done, nor I believe intended; and as without these things, or something of that sort litle of the money will Circulate in this Province, or remain long in it, and consequently will fall in its value, and as the bill is full of Confus'd references, and intricate in its make; I neither can assent to it myself, nor recommend it to have His Majesty's & by this you will save the £500, Intended for that Purpose.

Thus much for your bills.

As I have not as yet heard of any Publick Grievance, so I should be sorry to hear of any; but glad of an Oppertunity to redress the Agriev'd and remove the Agrievance, if in my power; and any Representation of that kind, If Justly made would not be unacceptable to me; because I might reasonably hope, by your timely and prudent Assistance to be able to remedy the Evill complain'd of: But if complaints of this kind are not founded upon Grievances really Existing, but upon the Malice or resentment of particular men; and made, or encouraged to be made, in Order

to Obstruct or change the common channell and course of Justice, and for that end, to Stir up, and Incite the Populace to clamour against the Government; it will (I believe in the Judgment of all Impartial men) very much alter the Case; and introduce a real grievance, in order to remove a pretended one.

One of these which you have referr'd to farther consideration among others not altogether of an unlike kind is in the nature of an appeal to you from a Judgment given in the Supream Court; which you take upon you to Judge whether legal or not. this Judgment was founded upon a Rule of Court, entred into by Consent of both the contending Parties & the Question was, whether *Smith* by Entring into that Rule of Court had not barr'd himself of the benefit the Act for small causes would have otherwise entitled him to? this was a point of Law and Sollemly Argued by Council learn'd on both Sides, and Judicially determined Against Smith, if that Judgment was Erronious there is a legal Court existing to reverse it; but you are not that Court; nor have any right to determine whether it is legal or not, and so in the case of fees. The person Agrieved may, upon his Petition, have a retaxation; and Council heard upon the matter; but you are not the persons authoris'd to tax or retax any bill; and therefore I think, should not pretend to it, or attempt to take it upon you; at least untill that was done.

You sent for the Kings Attorney, & his Deputy in Custody of your Serjeant. I believe the Attorney General would have Gladly attended your Honourable House, upon the least Message intimating your desire to Speak with him, and would have Given you all the Satisfaction in his Power, with relation to any thing you thought fit to Interrogate him upon. One, more indifferent than yourselves, would have thought that the Dignity of his Office might have protected him from so harsh a treatment, in a case you did not know, nor had any right to determine whether he was Criminal or not; & what was all this for? why some of the Justices and freeholders of Gloucester (and as I am inform'd, the smallest

and most inconsiderable part of them) had been Spirited up to make a memorial to your House, and call it the Memorial of the Justices and Freeholders of the County of Gloucester: but whether, all or part of them made that memorial, is not very material; the things complain'd of (If I am rightly inform'd) was that *Jones* the Attorney's Deputy, Demanded of the Justices and Freeholders to lay some tax upon the Inhabitants for defraying some Expence, said to be due to them, concerning the Tryal of a Criminal in that County; and threatened if they would not, to take out a Mandamus to compell them to do it the deputy throws the matter upon his Principal; and he again upon the Deputy and made such Excuse to Sooth your pretended power as he Judg'd most conducive to Obtain his liberty but if one, or both of them, had made that Demand, and had threatned to make use of the Kings Writ of Mandamus, or any other they thought Suitable to compell them to lay it; I would be glad to know in what the Crime of doing this consists? if in Demanding or requiring the Justices & Freeholders to lay such tax? they by the Act of Assembly, had a power to lay such tax if they judg'd it necessary, or to refuse it if they Judged it not so; and therefore the Application to them seems neither Irregular or at least not Illegal or to give Just grounds for complaint; and if a Crime at all it was in threatening to take out the Kings Writ to compell them [to] it, if the threatening to make of the Kings Writ was a Crime, the Actual taking of it out, and getting of it Serv'd must be more so; but what makes the one, or the other Criminal, or a grievance doth not appear to me & I believe you will be puzzled to Give any tolerable reason why it is so.

When writs of Mandamus are taken out, Commanding any thing to be done they at the same time, require the Persons commanded to do it, or Shew Cause why they will not or cannot do it: of this after hearing arguments on both sides, the Supream Court are the Judges, & not you; and the Sending for anybody in Custody before you, for taking out a Writ or threatening to do it, is what (in my

opinion) you ought not to do; but is an Infringement of the Liberties of the People; as well as a Great Incroachment upon the Prerogatives of the Crown; & is an intimidating of the people from taking and making use of those remedies for their Relief which they conceive the Law entitles them to make use of, & of which, as I take it, the Courts, & not you are y^e^ proper Judges.

In the case of an erroneous Judgment in the Supream Court, it may be revers'd before the Governor [and] Council & not before the House of Representatives and I cannot see on what pretence they assume to themselves any Cognisance of any Cause try'd in the Supream Court so as to Determine whether a Judgment given in that court be Legal or not, (which you take upon yourselves to do, in Express Terms, by your Votes) unless it be with an Intent to take upon yourselves the Executive part of the Governmt, as you very lately did that of the Legislative.

Gentlemen

Upon the whole of all that has been said I am heartily sorry to find, that so many honest, and as I believe, well meaning men, as are now in this Honourable House, should Suffer themselves to be so far Impos'd upon, by a few Ignorant and Malicious men, as to give into Attempts, so dangerous in their consequences to the Publick peace and welfare of this Province; as you yourselves when you come seriously and cooly to think, I believe will soon discover. His Majesty has been Graciously Pleas'd to Intrust me with the Government of this Province and as I think it my Duty to check and discourage, as much as I may all Attempts, whether Ignorantly or knowingly Ent'red upon, that tend in their Consequences to undermine & destroy it; So my good Inclinations and Affections for the Inhabitants of it (to whom I cannot grant a trieniall Assembly) make me willing to indulge them with a New choice of their representatives, and I hope they will Demonstrate that they deserve the favour

I do therefore by virtue of the Power & authorities given

me by His Majesty's Letters Patent under the Great seal of Great Britain disolve this Present Assembly, and they are accordingly dissolved[1]

Proceedings of *Council* for the Province of New Jersey at *a Sessions of General Assembly* of the said Province beginning at Perth Amboy October 10th and Ending December 10th 1743

Munday Octo^{r} 10th 1743.

Present
His Excellency Lewis Morris Esq^{r}

John Hamilton
John Reading
James Alexander
Rob^{t} Hunter Morris
Archibald Home
} Esq^{rs}

The House of Assembly[2] having made Choise of and presented to his Exelly Andrew Johnston Esq: as their Speaker, His Excellency was pleased to approve of their Choise: and to make the following Speech to both Houses.

Gentlemen of the Council and Assembly.

It may perhaps be thought needless in me to tell you that the Support of the Government is Expired, that being a thing not unknown to any Part of the Legislature.

[1] See Papers of Lewis Morris, 163; Mulford's History of New Jersey, 340-5.

[2] This new House was composed as follows: *City of Perth Amboy*—Andrew Johnston, Samuel Leonard; *Middlesex*—Thomas Farmar, Samuel Nevill; *Monmouth*—John Eaton, Robert Lawrence; *Essex*—Joseph Bonnell, George Vreeland; *Somerset*—J. V. Middleswardt, Derick Van Veghten; *Bergen*—Lawrence Van Buskirk, David Demarest; *City of Burlington*—Richard Smith, Isaac Pearson; *Burlington*—William Cook, Thomas Shinn; *Gloucester*—Joseph Cooper, John Mickle; *Salem*—William Hancock, Leonard Gibbon; *Cape May*—Aaron Leaming, John Willetts; *Hunterdon*—William Mott, Andrew Smith (unseated and Daniel Doughty elected).—*Papers of Lewis Morris*, 179.

The Petition from the President and Council, the Speaker and divers members of the Assembly, to his Majesty for a Separate Government from that of New York, wherein they assure his Majesty that the Inhabitants of this Province are equally willing and Able to support a distinct Governor with divers of the Neighbouring Colonies, who enjoy that Benefit under his Majesty, which humble request or rather prayer upon the Assurances therein given to his Majesty, he was most graciously pleased to Grant. And there being money raised and in the Treasury for the Support of the Government; but to be disposed of for that purpose in such sort manner and form as by the Governor Council and General Assembly shall be directed; there seems no Room to doubt, that Pursuant to the Assurances given, you will on your Parts readily and most willingly agree to such a Disposition as will be most Suitable and fully Answer the End of Supporting in the Government in all its Branches, in the most Effectual manner, and that no dispute will arise between you, unless they be which of you shall be most forward in doing what is so much your Duty to do and I add, so much [in] the Interest of the Publick should Amicably be done.

For my part I will willingly give my Assent to any Laws in my Power to do, that shall be Beneficial to the Publick. The most likely way to make such, and prevent Mistakes of any kind as much as may be is to promote and encourage, a free open and friendly Correspondence and Intercourse between all parties concerned in the making of Laws, and to discourage everything that in the least tends to Create any Difference or Diffidence between them: This I heartily recommend to your Consideration and Practice, as most Conducive to the Publick good.

LEWIS MORRIS

Mr Home Clerk of the Council laid before his Excellency and the Council Two Letters he had received the one from John Rodman the other from Richard Smith two of the Members of Council, Praying their nonattendance at this

Time may be Excused as it is owing to their Weakness occasioned by Severe Sickness, with which they have both been Attacked, and of which they are hardly as yet recovered.

Then the House Adjourned to Tuesday Octo^{r} 11th 1743

Present

John Hamilton
John Reading
James Alexander
Rob^{t} Hunter Morris
Archib^{d} Home
} Esq^{rs}

Adjourned to Wednesday Octo^{r} 12th

Adjourned to Thursday Octo^{r} 13th

Adjourned to Friday Octo^{r} 14th

Adjourned to Saterday Octo^{r} 15th

Adjourned to Monday Octo^{r} 17th

Adjourned to Tuesday Octo^{r} 18th

Adjourned to Wednesday Octo^{r} 19th

Adjourned to Thursday Octo^{r} 20th

Present

John Hamilton
James Alexander
Rob^{t} Hunter Morris
Archib^{d} Home
} Esq^{rs}

M^{r} Peirson and M^{r} Vanveghte from the House of Assembly brought up a bill entitled an Act subjecting real Estates in the Province of New Jersey to the payments of debts and directing the Sheriff in his Proceedings thereon for the Concurrence of this House.

M^{r} Vanmiddleswart and M^{r} Andrew Smith brought up

from the House of Assembly for the Concurrence of this House, A Bill entitled an Act to oblige the several Sheriffs of this Province to give Security and to take the Oaths or Affirmations therein directed for the due Discharge of their Offices.

M^r^ Hancock and M^r^ Leonard brought up from the House of Assembly for the Concurrence of this House a Bill entitled, An Act Declaring how the Estate or Right of a Feme-Covert may be Conveyed or extinguished.

M^r^ Richard Smith and M^r^ Lawrence, brought up from the House of Assembly for the Concurrence of this House a Bill entitled an Act for continuing an Act entitled an Act for the better enabling of Creditors to recover their just debts from persons who abscond themselves.

Then the House adjourned to Friday Octo^r^ 21.

Present

John Hamilton
John Reading
Rob^t^ Hunter Morris } Esq^rs^
Archib^d^ Home

M^r^ Gibbon and M^r^ Vanbuskirk brought up from the House of Assembly, a Bill, entitled an Act for acknowledging Deeds, in the Colony of New Jersey for the Concurrence of this House.

Then the House adjourned to Saturday Octo^r^ 22^d^

Present

John Hamilton
John Reading
Rob^t^ Hunter Morris } Esq^rs^
Archib^d^ Home

His Excellency came to the Council Chamber, and having commanded the attendance of the House of Assembly, was pleased to Address himself to that house and to put in the hands of their Speaker some Letters he had received from

the Lords of the Regency, recommending it to him to put this Colony under his Government into the best Posture of Defence he could as there is great Reason to apprehend a Speedy Rupture with France. His Excellency then recommended it to the House of Assembly, to revise the Militia Act, and by making the requisite Amendments thereto render it as Serviceable as possible on this Occasion.

Then the House adjourned to Munday Octo^{r} 24th

Adjourned to Tuesday Octo^{r} 25th

Present
John Hamilton
John Reading
Archib^{d} Home
} Esq^{rs}

M^{r} Cooper and M^{r} Demarest brought up from the House of Assembly a Bill entitled an Act to erect & establish Courts in the several Counties of this Province, for for the Tryal of small Causes for the Concurrence of this House

Adjourned to Wednesday Octo^{r} 26

Adjourned to Thursday Octo^{r} 27th

Adjourned to Friday Octo^{r} 28th

Present
John Hamilton
John Reading
Archb^{d} Home
Edw^{d} Antill
} Esq^{rs}

His Excellency having been pleased to nominate and appoint Edward Antill Esq^{r} to be one of His Majesty's Council (the number of Councellors residing within the Province being under Seven) and he having taken the several

Oaths as Usual was admitted and took his Seat in the House accordingly.[1]

Mr Hancock and Mr Vanbuskirk brought up from the House of Assembly a Bill entitled an Act to impower the Inhabitants of the County of Salem to erect and build a Bridge over Salem Creek for the Conferrance[2] of this House.

Mr Demarest and Mr Gibbon brought up from the House of Assembly, a Bill entitled an Act to impower the Inhabitants of the County of Bergen to erect and build a Draw or Swinging Bridge over Hackinsack River, for the Concurrence of this House.

The House adjourned to Saturday Octor 29th

Present

Jno Hamilton
James Alexander } Esqrs
Archibd Home

Mr Smith and Mr Eaton brought up from the House of Assembly a Bill entitled an Act for making Current Forty thousand Pounds in Bills of Credit, for the Concurrence of this House.

The House adjourned to Munday Octor 31st

Adjourned to Tuesday Novemr 1st

Present

John Hamilton
John Reading
James Alexander } Esqrs
Archibd Home
Edwd Antill

Mr Cooper and Mr Nevill From the House of Assembly brought up a Bill entitled an Act for the Relief of poor distressed Prisoners for Debt, for the Concurrence of this House.

[1] A notice of Edward Antill is given in N. J. Archives, IX., 338-9, note.
[2] Concurrence.

The Bill entitled an Act for subjecting real Estates &c was read the first time and ordered a Second reading.

The Bill entitled an Act to oblige the several Sheriffs &c was read the first time and ordered a Second reading.

The Bill entitled an Act, Declaring how the Estate or Right of a Feme Covert &c[a] was read the first time and ordered a Second reading.

The Bill entitled an Act for continuing an Act entitled an Act for the better enabling of Creditors &c[a] was read the first time and ordered a Second reading

The Bill entitled an Act concerning the Acknowledging Deeds &c[a] was read the first time and ordered a Second reading

The Bill entitled an Act to Establish Courts &c[a] was read the first time & ordered a Second reading.

The Bill entitled an Act to impower the Inhabitants of the County of Salem &c[a] was read the first time & ordered a Second reading.

The Bill entitled an Act to Impower the Inhabitants of the County of Bergen &c[a] was read the first time and ordered a Second reading.

The Bill entitled an Act for making Current Forty thousand Pounds &c[a] was read the first time and ordered a Second reading.

The House adjourned to Wednesday Nov[r] 2[d] 1743

Present

John Hamilton
John Reading
James Alexander
Archib[d] Home
Edw[d] Antill
} Esq[rs]

The Bill entitled an Act for the relief of Poor distressed Prisoners &c[a] was read the first time and ordered a Second reading.

The bill entitled an Act for subjecting real Estates &c[a] was

read a Second time and Committed to the Members of the House or any three of them.

The bill entitled an Act to oblige the several Sherriffs &c[a] was read a Second time and Committed as above.

The Bill entitled an Act declaring how the Estate or Right of a Feme-Covert &c[a] was read a Second time and committed as above.

The Bill entitled an Act for continuing an Act entitled an Act for the better enabling of Creditors &c[a] was read a Second time and Committed as above.

The Bill entitled an Act concerning the Acknowledging Deeds &c[a] was read a Second time and Committed as above.

The Bill entitled an Act to establish Courts &c[a] was read a Second time and committed as above.

The Bill entitled an Act to Impower the Inhabitants of the County of Salem &c[a] was read a Second time and ordered a third reading.

The Bill entitled an Act to impower the Inhabitants of the County of Bergen &c[a] was read a Second time and ordered a third reading.

M[r] Alexander mov'd for leave to bring in a Bill For continuing the King's High Way which leads from Bergen Point to Bergen Town, to some Convenient Place on Hudson's River for Crossing that River to New York

Ordered that M[r] Alexander have leave accordingly.

M[r] Alexander accordingly brought in a Bill entituled an Act for continuing the King's High Way &c[a] which was read the first time and ordered a Second reading.

The House adjourned to Thursday Nov[r] 3[d] 1743

Present The Same.

The Bill entitled an Act to impower the Inhabitants of the County of Salem to build a Bridge over Salem Creek was read the third time and on the Question

Resolved the same do pass.

Ordered that M[r] Speaker do sign the same

Ordered that Mr Antill do inform the House of Assembly, that this House has pass'd the said Bill without any Amendment.

The Bill entitled an Act to impower the Inhabitants of the County of Bergen to build a Draw or Swinging Bridge over Hackinsack River, was read the third time on the question,

Resolved that the same do pass.

Ordered that the Speaker do sign the same.

Ordered that Mr Antill do inform the House of Assembly, that this House has passed the said Bill without any Amendment.

The Bill entitled an Act for continuing the Kings High Way &c^{a} was read a Second time, and committed to the Members of the House, or any three of them.

The Bill entitled an Act for the Relief of Poor Distress'd Prisoners &c^{a} was read a Second time and Committed as above.

The House adjourned to Friday Nov^{r} 4th 1743

Present

John Hamilton
John Reading
James Alexander
Rob^{t} Hunter Morris
Archibald Home
Edward Antill
} Esq^{rs}

Mr Antill reported that he had in Obedience to the Order of this House acquainted the House of Assembly, that this House had pass'd the Bill for building a Bridge over Salem Creek, as also the Bill for building a Bridge over Hackinsack River, without any Amendment.

Mr Antill from the Committee on the Bill entitled an Act to oblige the Several Sherriffs &c^{a} reported the same with one Amendment, which was read and agreed to by the House.

Ordered that the said bill with the Amendment made

thereto be read which was done accordingly, and on the Question

Resolved that the said Bill with the Amendment do pass.

Ordered that Mr Antill do carry down the said bill with the Amendmt made thereto by this House, to the House of Assembly for their Concurrence.

Mr Antill from the Committee on the Bill entitled an Act to erect & Establish Courts in the several Counties &ca reported the Same with some Amendments which were read and agreed to by the House.

Ordered that the Said Bill with the Amendments thereto be read, which was done accordingly and on the Question.

Resolved that the said Bill with the Amendments do pass.

Ordered that Mr Antill do carry down the said Bill with the Amendmts made thereto by this House, to the House of Assembly for their Concurrence.

Mr Antill reported that he had obeyed the above two Orders of this House.

A Message from the House of Assembly, by Mr Lawrence and Mr Gibbon That that House hath on the Question rejected the Amendment of this House to the bill entitled, An Act to Oblige the Several Sherriffs of this Province to give Security &ca and Adheres to the Bill.

The House adjourned to Munday Novr 7th

Present

John Hamilton, James Alexander, John Reading, Robt Hunter Morris, Archibd Home } Esqrs

Mr Lawrence and Mr Vanveghte, From the House of Assembly, brought back the bill entitled, an Act to erect and Establish Courts in the several Counties of this Province for the Tryal of Small Causes, that House having agreed to the Amendments made thereto by this House, and having engrossed and passed the same with the said Amendments.

Ordered that the said Bill be compar'd which was done accordingly.

Ordered that the Speaker do sign the same.

Mr Morris from the Committee on the Bill entitled an Act for Continuing an Act entitled an Act for the better Enabling of Creditors &ca reported the same with one Amendment which was read and agreed to by the House.

Ordered that the said bill, with the Amendments be read, which was done accordingly and on the question.

Resolved that the said Bill with the Amendment do pass.

Ordered, That Mr Morris do carry down the said Bill with the Amendment made thereto by this House, to the House of Assembly for their concurrence.

Mr Morris reported that he had obeyed the above Order of this House.

Mr Morris From the Committee on the Bill entitled an Act for the Relief of Poor distressed Prisoners for Debt, reported the same with some Amendments which were read and agreed to by the House.

Ordered, that the said Bill with the Amendments be read, which was done accordingly, and on the question.

Resolved that the said Bill with the Amendments do pass.

Ordered that Mr Morris do carry down the said Bill with the Amendmts made thereto by this House to the House of Assembly for their Concurrence.

Mr Reading from the Committee, on the Bill entituled an Act for continuing the Kings High Way from Bergen Point &ca reported the same with some Amendments, which were read and agreed to by the House

Resolved that the Bill with the Amendments be engross'd

Mr Nevill and Mr Shinn, From the House of Assembly brought back the Bill entituled an Act for continuing an Act entitled an Act for the better Enabling of Creditors to recover their Just Debts &ca that House having agreed to the Amendment made thereto, by this House, and having reingrossed and passed the same with the said Amendments:

Ordered, that the said Bill be compared, which was done accordingly.

Ordered, that the Speaker do sign the same.

The engrossed Bill entitled an Act for continuing the Kings High Way, which leads from Bergen Point &c^{a} was read the third time and on the Question.

Resolved that the said bill do pass

Ordered that the Speaker do sign the same

Ordered, that M^{r} Reading do carry down the said Bill to the House of Assembly, for their Concurrence.

M^{r} Reading reported that he had obeyed the above Order of this House

M^{r} Morris reported, that in Obedience to the Order of this House, he had carryed down to the House of Assembly, the Bill entituled an Act for the Relief of poor distressed Prisoners,

The House adjourned to Tuesday Nov^{r} 8th 1743

Present

John Hamilton
John Reading
James Alexander
Rob^{t} Hunter Morris
Edward Antill
} Esq^{rs}

M^{r} Nevill and M^{r} Gibbon, From the House of Assembly, brought up a Bill entituled, an Act to impower the Freeholders chosen in each County of this Colony, or the Major Part of them in Conjunction with three Justices of the Peace to direct the method of Assessing the Inhabitants of each County, and to restrain the unnecessary Meeting of said Freeholders, for the Concurrence of this House Which Bill was read the first time and ordered a Second reading

Coll^{o} Farmar and M^{r} Smith from the House of Assembly, brought back the bill entitled an Act for the Relief of Poor Distressed Prisoners for Debt, with the Amendments made thereto by this House, and acquainted this House, That that

House had agreed to all the Amendments made by this House to the said Bill, except the last, to which they disagree and in that part adhere to the Bill.

The last said Amendment being taken into Consideration by this House and the Question put, whether this House adheres to or receedes from their said last Amendment in the said Bill

Resolved that this House receedes from their last Amendment.

Ordered, that M^r^ Morris do acquaint the House of Assembly therewith

The House adjourned to Wednesday Nov^r^ 9^th^ 1743

Present

John Hamilton John Reading James Alexander	Esq^rs^	Rob^t^ Hunter Morris Archibald Home Edward Antill	Esq^rs^

The Bill entitled, an Act to impower the Freeholders chosen in each County &c^a^ was read a Second time and Committed to the Members of the House or any three of them.

M^r^ Morris reported that he had Obeyed the Order of this House of Yesterday

The Bill entitled an Act For making Current Forty thousand Pounds &c^a^ was read a Second time and Committed to the Members of this House, or any three of them.

M^r^ Morris from the Committee on the Bill entituled an Act to impower the Freeholders &c^a^ reported that they had gone thro' and considered the said Bill, and that the said Committee are at a loss to know wherein the Laws now in force, to which the Bill refers, are Difficient and the Inconveniences this Bill is proposed to remedy.

The House taking the said Report into Consideration.

Ordered, That M^r^ Morris do acquaint the House of Assembly thereof, and that this House have appointed M^r^ Reading and M^r^ Morris to be [a] Committee to meet such Committee, as that House shall appoint to inform them in the

foregoing Particulars and that the said Committee will be ready to meet the Committee of that House at the House of M^rs^ Serjeant at two o'Clock this Afternoon.

M^r^ Morris reported that he had obeyed the above Order of this House.

The House adjourned to Thursday Nov^r^ 10^th^ 1743

Present

John Hamilton
James Alexander
Rob^t^ Hunter Morris } Esq^rs^
Archibald Home
Edward Antill

M^r^ Morris From the Committee appointed to meet a Committee of the House of Assembly, on the Bill entituled an Act to impower the Freeholders &^ca^ reported that they had mett a Committee of that House, consisting of M^r^ Cooper, M^r^ Nevill, M^r^ Pearson, and M^r^ Lawrence who produced their order of Reference, for that purpose, and that the said Committee of Assembly had pointed out to the Committee of this House, the Intent of the said Bill, which he communicated to this Board.

Ordered, that the said Bill be recommitted to the House or any three of the Members.

The House adjourned to Friday Novem^r^ 11^th^

Present
The Same.

M^r^ Lawrence and M^r^ Willits From the House of Assembly brought back the Bill entitled an Act for the Relief of Poor distressed Prisoners for Debt, that House having reingrossed the said Bill with the Amendments agreed to, and passed the same.

Ordered, that the said Bill be compared, which was done accordingly.

Ordered, that the Speaker do sign the same
The House adjourned to Saturday Nov^{r} 12th

Present
The Same

M^{r} Nevill and M^{r} Shinn, From the House of Assembly brought up a Bill entitled an Act to impower the Inhabitants of the County of Middlesex to Build a Bridge over South River &c^{a} For the Concurrence of this House.

Which Bill was read the first time and ordered a Second reading.

M^{r} Nevill and M^{r} Shinn also brought up, For the Concurrence of this House a Bill entituled an Act for Preserving of Timber in the Eastern Division of New Jersey &c^{a} which was read the first time and ordered a Second reading

M^{r} Eaton and M^{r} Pearson From the House of Assembly, brought up for the Concurrence of this House, a Bill entitled an Act to encourage the direct Importation of Rum &c^{a} which was read the first time, and ordered a Second reading.

M^{r} Vanmiddlewart and M^{r} Vanveghte brought up from the House of Assembly, for the Concurrence of this House a Bill entituled an Act to Secure the Mill of Abraham Broca &c^{a} which was read the first time, and ordered to lie on the Table till proof of the Facts therein set forth be made to this House.

The House adjourned to 3 o'Clock P : M

Present
The Same

M^{r} Antill from the Committee, to whom the Bill entituled an Act to impow^{r} the Freeholders &c^{a} was recommitted, reported the same with some Amendments which were read and agreed to by the House.

Ordered, that the said Bill with the Amendments be read, which was done Accordingly, and on the Question.

Resolved that the said bill with the Amendments do pass.

Ordered, that Mr Antill do carry down the said bill with the Amendments made thereto by this House, to the House of Assembly for their Concurrence

Mr Antill reported that he had obeyed the above order of this House.

The Bill entitled, an Act to enable the Inhabitants of the County of Middlesex &ca was read a Second time and committed to the House or any three of the members.

The Bill entitled an Act for the preserving of Timber &ca read a Second time and committed as above.

The Bill entituled an Act to encourage the direct importation of Rum &ca was read a Second time and committed as above.

The House adjourned to Munday Novr 14th 1743

Present

John Hamilton
James Alexander
Robt Hunter Morris
Edwd Antill
} Esqrs

Mr Antill from the Committee on the Bill entituled an Act for subjecting real Estates &ca reported the same with some Amendments which were read & agreed to by the House.

Ordered that the said bill with the Amendments be read which was done accordingly, and on the Question.

Resolved, that the said Bill with the Amendments do pass.

Ordered that Mr Antill do carry down to the House of Assembly the said Bill with the Amendments for their Concurrence

Mr Antil reported that he had obeyed the above order of this House

Mr Bonnel and Mr Cook, from the House of Assembly, brought up a Bill entituled an Act for Ascertaining the Fees to be taken by the several Officers in the Colony of New Jersey, for the Concurrence of this House.

Which Bill was read the first time and ordered [a] Second reading.

Mr Bonnel and Mr Cook also brought up the Bill entituled an Act to Impower the Freeholders &c^{a} and acquainted this House, that their House had passed the same engrossed with the Amendments of this House.

The House adjourned to 3 oClock P: M:

Present
The Same;

Mr Morris from the Committee on the Bill entituled an Act concerning the Acknowledging of Deeds &c^{a} reported the same with some Amendments wch were read and agreed to by House

Ordered, that the said Bill with the Amendments be read which was done accordingly, and on the Question.

Resolved, that the said Bill with the Amendment do pass.

Ordered that Mr Morris do Carry down the said Bill with the Amendments made thereto by this House, to the House of Assembly for their Concurrence.

Mr Morris reported that he had obeyed the above Order of this House.

Mr Gibbon and Mr Vreland from the House of Assembly, brought up a Bill entituled an Act to prevent any Attorney, residing out of this Colony.

From being an Attorney upon Record in this Colony, and Limit the Number of Attorneys therein, for the Concurrence of this House.

Which Bill was read the first time, and ordered a Second reading.

Mr Morris from the Committee on the Bill entituled an Act Declaring how the Estate or Right of a Feme Covert may be conveyed &c^{a} reported that they had gone thro' the said Bill without making any Amendment thereto.

Then the Question being put whether the said Bill be read the third time?

It was carried in the Negative.

Then the question being put whether the said Bill be rejected?

It was Carried in the Affirmative.

Ordered that M^r^ Morris do acquaint the House of Assembly, that this House has rejected the Bill, entituled an Act declaring how the Estate or Right of Feme Covert &c^a^

M^r^ Morris reported that he had obeyed the above Order of this House.

The House adjourned to Tuesday Novem^r^ 15^th^

Present

John Hamilton, James Alexander, Robert Hunter Morris, Archib^d^ Home, Edward Antill } Esq^rs^

The bill Entituled an Act for ascertaining the fees &c^a^ was read the Second Time and committed to the House or any three of the Members.

The Bill engrossed with the Amendments made thereto by this House entituled an Act to impower the Freeholders &c^a^ was read and compared.

Ordered, that the Speaker do sign the same.

The Bill entituled an Act to prevent any Attorney &c^a^ was read a second time and committed to the House or any three of the Members.

M^r^ Mickle and M^r^ Leonard From the House of Assembly brought back the bill entituled an Act for subjecting real Estates &c^a^ that House having agreed to the Amendments made thereto by this House, having reingrossed and past the same with the said Amendments

Ordered that the said bill be compared with the Amendments, which was done accordingly.

Ordered, That the Speaker do sign the same.

The House adjourned to Wednesday Nov^r^ 16^th^

Present
The same.

Mr Bonnel and Mr Cook, From the House of Assembly, brought back the Bill entituled an Act concerning acknowledging Deeds &ca that House having Agreed to the Amendments made thereto by this House, and having reingrossed and passed the same with the said Amendments.

Ordered that the said Bill be compared with the Amendments which was done accordingly.

Ordered that the Speaker do sign the same.

A Message from the House of Assembly by Mr Bonnel and Mr Cook dessiring to be informed what Progress this House has made in the Bill for making Current forty thousand Pounds in Bills of Credit, sent from that House, for the Concurrence of this House.

Ordered that Mr Morris do Acquaint the House of Assembly that the Bill for making Current Forty Thousand Pounds in Bills of Credit, is referred to a Committee of the whole House, which Committee have not as yet, reported the same but have it still under Consideration.

Mr Morris reported that he had obeyed the above Order.

Mr Antill from the Committee on the Bill entituled an Act to impower the Inhabitants of the County of Middlesex &ca reported the same with one Amendment which was read and agreed to by the House.

Ordered, that the said Bill with the Amendment made thereto be read, whh was done accordingly, and on the Question.

Resolved that the said Bill with the Amendments do pass

Ordered that Mr Antill do carry down the said Bill with the Amendment made thereto by this House to the House of Assembly, for their Concurrence

The House adjourned to Thursday Novr 17th 1743

Present

John Hamilton
Rob^{t} Hunter Morris
Archibald Home
Edward Antill
} Esq^{rs}

M^{r} Antill reported that he had obeyed the Order of this House of Yesterday.

M^{r} Nevill and M^{r} Vreland from the House of Assembly, brought back the bill entituled an Act to Impower the Inhabitants of the County of Middlesex to build a Bridge &c^{a} that House having agreed to the Amendment made thereto by this House and having reingrossed and passed the same with the said Amendment.

His Excellency came to the Council Chamber and having Commanded the Attendance of the House of Assembly, was pleased in Presence of both Houses to give his Assent to the following Bills Viz^{t}

An Act for the relief of poor distressed Prisoners for Debt.

An Act to erect and Establish Courts in the several Counties in this Province For the Tryal of small Causes.

An Act for continuing an Act entituled an Act for the better enabling of Creditors to recover their Just Debts from Persons who abscond themselves.

An Act to impower the Inhabitants of the County of Bergen to erect and build a Draw or Swinging Bridge over Hackinsack River.

An Act to impower the Inhabitants of the County of Salem to erect and build a Bridge over Salem Creek.

The humble Petition of Symon Wyckof Abraham Broca, and others was presented to the House and read praying that the House will please to appoint a Time for the said Petitioners to be heard in Support of a Bill entitled an Act to Secure the Mill of Abraham Broca &c^{a} sent up by the House of Representatives to this House for Concurrence.

Ordered that the Petitioners do attend to morrow morning at ten a'Clock, for that purpose and that the hearing be pub-

lick, that all Parties and Persons concerned may then have an Opportunity to be heard against the said Bill, if they think proper to object thereto

The House adjourned to Friday Novem^{r} 18th

Present
The Same

The Engrossed Bill entituled an Act to Impower the Inhabitants of the County of Middlesex to Build a Bridge &c^{a} with the Amendment made thereto by this House, was Compared.

Ordered that the Speaker do sign the same.

In Pursuance of the Order of Yesterday the Petitioners Symon Wychof Abraham Broca, &c^{a} attended and were heard in Support of the Bill sent up From the House of Assembly entituled an Act to Secure the Mill of Abraham Broca &c^{a} Benjamin Griggs and Christopher Hoglant also attended and laid before the House the following Remonstrance agst the said Bill.

To the Hon^{ble} his Majesties Council of the Province of New Jersey, now sitting at the City of Perth Amboy, The Humble Remonstrance of Benjamin Griggs and Christopher Hoglant in behalf of themselves and other Freeholders and Inhabitants of the County of Somerset upon and near the River Millstone

Sheweth

That your Remonstrants having Observed by the Votes of the House of Assembly, that they have passed a Bill entituled an Act to Secure the Mill of Abraham Broca and others, and the Mill of Symon Wycoff and Daniel Hendrickson upon Millstone River and that the same is sent up, and now depending before this Hon^{ble} Board. Your said Remonstrants humbly beg leave to Offer some Reasons against passing the said Bill into a Law.

That they Humbly conceive and doubt not but in the Course of Proceed^{gs} at law already commenced they will be

able to prove, that the River Millstone on which the above mentioned Mills are built, is a Navigable River and consequently the Kings High Way and as such (before the erecting of the said Mill danms was used by all his Majesties Liege Subjects to pass and repass up and down the said River with their Boats Pettiagues Trows [Scows ?] flatts and Canoes with their goods Wares and Merchandizes at their will and pleasure and as their lawful and necessary Occasions required and still have an undoubted Right to make up of the same and also for the drawing of Netts for the catching Shads and other Fishes for the Subsistence of a great Number of Families at the most scarce and dear time of the year by persons who inhabit on and near the said River

That the Dams of the said Mills were in the year 1740 pulled down and removed as a Common Nusance for stopping the Course of the said Navigable River which the persons who did the same were advised by their Council they might lawfully do.

That also the Representatives of the said County of Somerset (the Grand Jury) at their General Quarter Sessions of the Peace, did afterwards find a Bill of Indictment against the Owners of the said two Mills, for a Common Nuisance for unlawfully building & placing the two several Mill dams upon, across and over the said River Millstone, being the Kings High Way; and is Still depending.

That Symon Wycoff, Abraham Broca, Burgen Hoff and Daniel Hendrickson the Owners of the said Mills, being Conscious to themselves, that the erecting and placing the two several Mill dams in manner aforesaid was a Nusance they severally and voluntarily executed a Bond dated the first day of September 1742 in the penal Sum of £500 unto your Remonstrants Benjamin Griggs and Christopher Hoglant with a Condition to oblige themselves their Heirs and assigns Yearly & every year during the Time of the said Dams are aCross the said River to open & Slacken so much of the said Mill Dams that the Water on both sides the s^{d} Dams might be level, excepting the descent of the force of the Waters,

which Opening should yearly be from the 20th day of March, till the 25th of May following.

That altho' your Remonstrants Benjamin Griggs and Christopher Hoglant on behalf and at the request of the said several Freeholders inhabiting near the said Mills who were principaly Affected by the said Nusance, Comply'd with this Method for the sake of Peace, and Benefitt of the Kings Subjects and to Stop all Prosecutions and proceedings at Law yet the said Owners of the said Mills have Absolutely refused a Performance of the Condition of their said Bond, so that your sd Remonstrants were obliged in pursuance of the Trust reposed in them, to bring an Action on the said Bond in his Majesty's Supream Court of this Province where the before mentioned prosecutions and proceedings with a Copy of the said Bond and Condition remain of Record to be perused of this Honble Board if they are pleased to Cause the same to be laid before them, and further your Remonstrants beg leave to Observe that the Defendts are so far from making their Defence in the said Action that the Rule for pleading to the Plts Declaration is long since expired and Judgment by default entered upon Record.

That your Remonstrants humbly hope that the Legislative Power will not interpose without an Absolute Necessity where Property is concerned and particularly where the Tryal of Property and a Crown Prosecution is under a Litigation in the Kings Courts, which your Remonstrants conceive is the ordinary Method of Determination directed by Magna Charta and the Laws of the Land.

Your Remonstrants therefore humbly hope that this Honourable, Board for the Reasons above mentioned, and for many others which the shortness of time does not permit your Remonstrants to Offer,) will not pass the said Bill, unless the Parties who have Executed the said Bond shall perform the Condition thereof and pay all such reasonable Costs and Charges which your Remonstrants and many others they Represent on this behalfe, have been put unto in the above prosecutions and Suits: and that your Remonstrants

may be further heard against the passing of the said Bill, if this Hon^ble^ Board Shall deem it Needfull, whilst the same is depending before them

BENJ^a^ GRIGGS
CHRYSTEL HOGELANT

Which Remonstrance being read, and the Petitioners having acknowledged the several Facts therein set forth, to be true, both Parties were Ordered to withdraw.

And the House having taken the whole in their Consideration, were unanimously of Opinion, that it was a Matter determinable in the Ordinary Course of the Law in which Case the Legislature ought not without an Absolute Necessity to interpose, and that no such Necessity appeared.

Then the Question was put, Whether the said Bill be read a Second time, and carried in the Negative.

And the Question being put whether the said Bill be rejected? it was Carried in the Affirmative.

Resolved that the said bill be rejected.

The House adjourned to Munday Nov^r^ 21^st^

Present

John Hamilton
John Reading
Ro: Hunter Morris } Esq^rs^
Archibald Home
Edward Antill

M^r^ Antill, From the Committee on the Bill entituled an Act For preserving of Timber &c^a^ reported the same with some Amendments w^ch^ were read and agreed to by the House,

Ordered That the said Bill with the Amendments be read which was done accordingly, and on the Question.

Resolved that the said bill with the Amend^ts^ do pass.

Ordered that M^r^ Antill do carry down the said Bill with the Amendments made thereto by this House to the House of Assembly for their Concurrence.

M^r Antill, From the Committee on the Bill entituled an Act to encourage the direct Importation of Rum C^a [&c^a] reported the same with some Amendments to the Title as also to the Body of the said bill which were read and agreed to by the House.

Ordered that the said bill with the Amendments be read which was done accordingly, and on the Question,

Resolved that the said bill with the Amendm^ts do pass

Ordered that M^r Antill do carry down the said Bill with the Amendments made thereto by this House to the House of Assembly for their Concurrence.

The House adjourned to Tuesday Nov^r 22^d

Present
The Same

M^r Antill reported that he had obeyed the Orders of this House of yesterday.

M^r Morris from the Committee on the Bill entituled an Act to prevent any Attorney &c^a reported that the said Committee are of Opinion, that the said Bill is of an Extraordinary Nature and humbly recommend it to the Consideration of this House in the next subsequent Session, as it is now too late in the present to finish the same, to which report the House agreed.

Ordered that the said Bill do lie on the Table for the Further Consideration of this House.

Coll^o Farmar and M^r Cooper From the House of Assembly brought back the Bill entituled an Act to encourage the direct Importation of Rum &c^a and acquainted this House, that That House had agreed to all the Amendments made thereto by this House except the last, to which on the Question that House had disagreed Nem : Con :

Coll^o Farmar and M^r Cooper also brought back the Bill entituled an Act for preserving of Timber &c^a with the Amendments made thereto by this House that that House had agreed to all the said Amendments, Except the Fifth to which on the Question that [House] had disagreed Nem : Con :

Also a Message by Coll° Farmar and M^r^ Cooper that that House have appointed Col° Farmar M^r^ Cooper M^r^ Cook and M^r^ Eaton to be a Committee to meet a Committee of this House at such Time and place as this House shall appoint to inspect and burn the Cancelled Money in the hands of the Treasurer as the Law directs.

Ordered that M^r^ Reading and M^r^ Antill be a Committee to meet the Committee of the House of Assembly, For the purpose afores^d^ and that the S^d^ Committees do meet at the House of Andrew Johnston Esq^r^ at Six in the Evening, and that M^r^ Antill do inform that House thereof.

The House adjourned to Wednesday Nov^r^ 23^d^ 1743

Present
The Same

The last Amendment made by the House to the Bill entituled an Act to encourage the direct Importation of Rum &c^a^ and disagreed to by the House of Assembly, being taken into Consideration, and the Question being put whether this House do adhere do [to], or recede From their said last Amendment, it was carried to recede.

Resolved that this House recedes from their said last Amendm^t^

Ordered that M^r^ Antill do acquaint the House of Assembly therewith

The fifth Amendment made by this House to the Bill entituled an Act for preserving of Timber &c^a^ and disagreed to by the House of Assembly, being taken into Consideration, and the Question being put, whether this House do adhere to or recede from their said fifth Amendment it was carried to recede.

Resolved that this House recedes from their said fifth Amendment

Ordered that M^r^ Antill do acquaint the House of Assembly therew^th^

The House adjourned to Thursday Nov^r^ 24^th^

Present
The Same

Mr Lawrence and Mr Hancock brought up from the House of Assembly the Bill entituled an Act to encourage the direct Importation of Rum &ca reingrossed with the Amendments made thereto by this House.

Ordered that the said Bill be compared which was done accordingly.

Ordered that the Speaker do sign the same

Mr Lawrence and Mr Hancock also brought up the Bill entituled an Act for preserving of Timber &ca reingrossed with the Amendmts made thereto by this House.

Ordered that the said bill be Compared which was done accordingly.

Ordered that the Speaker do sign the same

A Message from the House of Assembly by Mr Lawrence and Mr Hancock, that this House has nothing before them But the Bill for Support of Government which Bill is Committed to a Committee of the whole House, and considerable Progress made therein but the Committee are at a loss how to proceed any further, until they know the Success of the Bills that have been sent by this House to the Council, For which they have been waiting several days, and now desire to be Informed of the Progress made by that House therein.

Tho: Bartow Clerk

The House adjourned to Friday Novr 25: 1743

Present
The Same

Mr Reading from the Committee appointed to join a Committee of the house of Assembly to inspect and burn the Cancelled money &ca made the following Report

The Committees appointed to Inspect and burn the Can-

celled Bills of Credit Agree that M^r Reading make the following Report to the Council viz^t

That the Committees Find, that there should have been cancell'd of the £20,000 in Bills of Credit and brought into the Treasury of the Eastern Division from the several Counties therein in the Years 1742 and 1743 the following Sums Viz^t

Bergen in each Year.....	£204 „ 15 „ —	£409 „ 10 „ —
Essex.....	340 „ 5 „ —	680 „ 10 „ —
Middlesex	287 „ 5 „ —	574 „ 10 „ —
Monmouth	423 „ 17 „ 6	847 „ 15 „ —
Somerset.....	97 „ 10 „ —	195 „ — „ —
	Total	£2707 „ 5 „ —

That Andrew Johnston Esq^r Treasurer of the said Eastern Division laid before the Committees 14 Bundles of Cancelled Bills, which were examined and burnt by the Committees brought into the Treasury From the several Counties as follows Viz^t

Bergen..... 2	Bundles cont^s	£409 „ 10 „ —
Essex..... 2	d^o	473 „ 12 „ 6
Middlesex.....2	d^o	574 „ 10 „ —
Monmouth.....6	d^o	835 „ 9 „ 3
Somerset.....2	d^o	195 „ — „ —
		£2,488 „ 1 „ 9
By which it appears that		
Essex is deficient.....	£206 „ 17 „ 6	
Monmouth.....	12 „ 5 „ 9	219 „ 3 „ 3
		£2707 „ 5 „ —

That the said Treasurers also laid before the Committees five Bundles of Cancelled Ragged and torn Bills received by him in Exchange for New bills which ragged Bills were

examined and burnt by the Committees amounting in the whole to £916 „ 11 „ —

By Order of the Committees

Jn° Reading
Jos: Cooper

The House adjourned to Saturday Nov^r 26^th

Present
The Same

M^r Antill from the Committee on the Bill entituled an Act For ascertaining the fees &c^a reported the same with some Amendments which were read and agreed to by the House.

Ordered That the Bill with the Amendments be read which was done accordingly and on the Question

Resolved that the Bill with the Amendments do pass

Ordered that M^r Antill do carry down the said Bill with the Amendm^ts to the House of Assembly for their Concurrence.

M^r Antill from the Committee on the Bill entituled an Act For making Current Forty thousand Pounds in Bills of Credit, reported the same without any Amendment.

Then the Question was put whether the said Bill be read a third time? and carried in the Negative.

Then the Question was put whether the said Bill be rejected? and carried in the Negative

Then the Question was put whether the said Bill do lie upon the Table? and carried in the Affirmative.

Ordered, the said Bill do lie on the Table.

Ordered that M^r Antill do acquaint the House of Assembly that this House have ordered the said Bill to lie on the Table.

The House adjourned to Munday Nov^r 28^th

Present
The Same

Mr Antill reported that he had obeyed the Orders of this House of Yesterday

The House adjourned to Tuesday Novr 29th 1743

Present
The Same

Mr Bonnel and Mr Smith From the House of Assembly brought back the Bill entituled an Act for Ascertaining the Fees &c^{a} with the Amendments made thereto by this House, and acquainted this House that That House disagreed to the 1st 16th 17th 19th 20th 21st 32d & 35th Amendments and adhered to the Bill in the parts where said Amendments are proposed, and had made Amendments to some of the Amendments made by this House to the said bill, and agreed to all the rest.

Then the said Bill with the Amendments was reconsidered as also the Amendments of the House of Assembly, to the Amendments made by this House to the s^{d} Bill and on the Question

Resolved, that this House recedes From their 16th 17th 19th 20th and 32d Amendments to the Bill entitled an Act for Ascertaining the Fees &c^{a} and adheres to the 1st 21st and 35th Amendments to the said Bill and also that this House agrees to the 1st Amendment made by the House of Assembly, to the Amendments made by this House, to the said Bill, and disagree to all the rest, and in the parts in them mentioned, adhere to their own Amendments.

Ordered that Mr Antill do carry back the said Bill with the Amendm^{ts} and acquaint the House of Assembly with the above Resolve.

The House adjourned to Wednesday Novr 30th

Present
The Same

Mr Antill reported, that he had obeyed the Order of this House of Yesterday

A Message from the House of Assembly by Mr Nevill and Mr Mott, That that House desires a free Conferrence on the Bill entituled an Act for ascertaining the fees &c^{a} and that this House will appoint a Committee to meet a Committee of that House, at such time and place as this House shall appoint for that purpose and that that House has appointed Col^{o} Farmar Mr Bonnel Mr Lawrence Mr Cooper and Mr Cook to be a Committee of that House on the Conferrence aforesaid.

Ordered that Mr Reading Mr Morris and Mr Antill be a Committee of this House to meet a Committee of the House of Assembly at a Free Conferrence on the Bill for Ascertaining the Fees &c^{a} and that the Time and place of meeting be at 4 o'Clock this Afternoon at Mr Serjeants.

Then the House adjourned to Thursday Decem^{r} 1st 1743

Present
The Same

Mr Reading from the Committee appointed to meet a Committee of the House of Assembly at a free Conference on the Bill entitled an Act for Ascertaining the fees &c^{a} reported that the said Committee had met and had freely conferr'd on the said Bill and that they had agreed that the said Committees sho'd make the following Report to their Respective Houses viz^{t}

That the Committee of the House of Assembly have agreed to the 1st and 35th Amendments made by this House to the said Bill, and that the Committee of this House have receded From the 21st Amendment made by this House to the said Bill.

That the Committee of this House have agreed to the Amendment proposed by the House of Assembly to the 33^{d} and 34th Amendments made by this House to the said Bill.

Then the Question was put whether the House agrees to the s^{d} Report and Carried in the Affirmative.

Resolved that this House agrees to the above Report of their Committee.

A Message from the House of Assembly by Mr Eaton and Mr Smith That, that House has agreed to the Report of the Committee of that House, on the matters agreed on at a free Conference with a Committee of this House on the Bill entituled an Act for ascertaining the Fees &c^{a} which Report is as follows Viz^{t} That the Committee of the Council adhered to the first "Amendment of the Council to said Bill to which "the Committee of this house agreed, That in the part in the "Councils 21st Amendment the Committee of this House "adhered to the Bill and the Committee of the Council "agreed to recede from said Amendment, That to the 35th "Amendment the Committee of the Council adhered, and the "Committee of the House agreed thereto That the Committee "of this House, adhered to the Amendment of this House "to the Councils 33^{d} and 34th Amendments to which the "Committee of the Council agreed

Ordered that Mr Reading do acquaint the House of Assembly, that this House has agreed to the Report of the Committee of this House, from the free Conference on the Bill entituled an Act for ascertaining fees &c^{a}

Then the House adjourned to Friday Decem^{r} 2^{d} 1743

Present
The Same

Mr Demarest and Mr Doughty from the House of Assembly brought back the Bill entituled an Act for ascertaining the fees &c^{a} reingrossed wth the several Amendments agreed to by the Committee of both houses at the Free Conference on said Bill.

Ordered that the said Bill with the Amendments be read, and Compared which was done accordingly.

Ordered that the Speaker do sign the same.

His Excellency came to the Council Chamber and having commanded the Attendence of the House of Assembly, was pleased in presence of both House to give his assent to the following Bills Viz^{t}

An Act to impower the Freeholders chosen in each County of this Colony, or the Major part of them in conjunction with three Justices of the Peace to direct the Method of Assessing the Inhabitants of each County and to restrain the unnecessary Meetings of said Freeholders.

An Act subjecting real Estates in the Province of New Jersey to the payment of Debts and directing the Sheriffs in his proceedings thereon

An Act to impower the Inhabitants of the County of Middlesex to Build a Bridge over South River in said County.

An Act concerning acknowledging Deeds in the Colony of New Jersey, and declaring how the Estate or Right of a Feme Covert may be conveyed or extinguished.

An Act for preserving Timber in the Eastern Division of the Colony of New Jersey, and all sorts of Trees in the bounds of the Patent or Charter of the Township of Bergen that lies in Common.

An Act to encourage the direct Importation of Rum from the British Plantations in the West Indies and of such Wines as may lawfully be Imported from the places of their Growth, Product & Manufacture into the Eastern Division of New Jersey.

An Act for ascertaining the fees to be taken by the several Officers in Colony of New Jersey.

Then the House adjourned to Munday Decemb^{r} 5th 1743

Present
The Same.

M^{r} Bonnel and M^{r} Hancock from the House of Assembly brought up the Bill entituled an Act for the support of the Government of his Majestys Colony of New Jersey &^{c} for the concurrence of this House.

Which Bill was read for the first time and ordered a Second Reading.

Then the House adjourned to Tuesday Decem^{r} 6th

Present
The Same

The Bill entituled an Act for the support of Government of his Majesties Colony of New Jersey &c^{a} was read a second time, and the Question being put whether the same be Committed? it was carried in the Negative.

Then the Question was put whether the Said Bill be read a third time? and carried in the Affirmative.

Ordered that the said Bill be read a third time

Then the House adjourned to Wednesday Dec^{r} 7th

Present The Same

The Bill entituled an Act for the support of the Government of his Majesty's Colony of New Jersey &c^{a} was read the third time and on the Question.

Resolved that the said Bill do pass

Ordered that the Speaker do sign the same

Ordered that M^{r} Reading do acquaint the House of Assembly that this House has passed the Said Bill.

M^{r} Reading reported that he had obeyed the above Order of this House.

His Excellency came into Council and having Commanded the Attendance of the House of Assembly was pleased to lay before the Speaker and House [a] Copy of their Minutes of Munday the 5th Instant which he had received from their Clerk as such, but not signed by their said Clerk; His Excellency then desired to know whether the said Copy so Delivered him by their Clerk was a true Copy of the Minutes of that House of Munday the 5th Instant And the Speaker and House having sent for their Original Journal and having therewith compared the said Minutes, directed their Clerk to sign the said minute as a true Copy. His Excellency then read to that House a Resolve of theirs Contained in the said Minutes and put to them sundry Queries concerning the said Resolve requiring from them a particular Answer to each of

his said Queries, to enable them more exactly to do w^ch His Excellency was pleased to Say he would furnish them with a Copy of his said Queries in Writing which Resolve and Queries are as follows Viz^t

Extracts from the Votes of the House of Assembly of the 5^th of December 1743

"Resolved

"That as there is no general law for establishing Fees in "this Colony yet in force, It is the opinion of this House "that the Act entituled, an Act for Ascertaining Fees to be "taken by the Several Officers in the Colony of New Jersey "passed by the Governor, Council and General Assembly "this Session, as it has the Approbation of the three Branches "of the Legislature here, ought to have a due Weight with "the Judges and all others concerned and that they ought to "take the said Act for their Rule to govern themselves by "untill his Majesty's Pleasure be known concerning the same "And to the End that the said Act may be made Publick "for the Service aforesaid, Or [do ?] direct that it be printed," thus far the Votes

Queries put by His Excellency.

Quer. Are these the Votes and Resolutions of your House?

Quer. 2. you confess the Act above mentioned to be passed by the Legislature here and doth not that Provide that it shall not be in force untill his Majesties Pleasure is known?

Quer. 3. Is it in force before the Kings Pleasure is known, a direct Answer yes or no is required.

To each of the two first Queries the Speaker of the House of Assembly having answered in the Affirmative, and in the Negative, to the third His Excellency was pleased to Say, that he did not intend to Surprize that House into Answers but would send them his Questions in Writing and then proceeded to put to the Speaker and House of Assembly.

Quer. 4. Ought the Judges, and others to govern themselves by that Act or any Act not in force?

Quer. 5. Can a less Authority than that of the Legislature here make any Law that shall be binding upon the people?

Quer 6. By what Authority do you take upon yourselves to say that an Act expressely Enacted not to be in force till the Kings Pleasure is known concerning it, Ought to be a Rule to the Judges and others to govern themselves by.

Quer. 7. And By what Authority do you Order an Act not in force to be Printed, as a Rule for the Government of the People, or indeed any Act?

Quer. 8. If you have or pretend to have any such Authority let me know whence you derive it and how you Came by it, that his Majesty may be Informed of it?

I expect a direct and categorical Answer from the House to these Questions

Then the Speaker and House of Assembly withdrew and his Excellency soon after sent a Message to that House with a copy of the foregoing Queries.

The House adjourned to Thursday Dec^{r} 8th 1743

Adjourned to Friday Decem^{r} 9th

Adjourned to Saturday Decem^{r} 10th

Present

John Hamilton
John Reading
Ro: Hunter Morris
Archibald Home
Edward Antill
} Esq^{rs}

His Excellency came to the Council Chamber and having Commanded the Attendance of the House of Assembly was pleased in Preference[1] of both House to Give his Assent to the following bill viz^{t}

An Act for the Support of the Government of His Majesties Colony of New Jersey, For one year to commence the Twenty third day of Septem^{r} One thousand seven hundred

[1] Presence.

and forty three, and to end the twenty third day of September One thousand seven hundred and forty four

His Excellency then made the following Speech and prorogued the Gen[l] Assembly of this Province to the first Tuesday in April next then to meet at the City of Burlington in the said Province.

M[r] Speaker and Gentlemen of the House of Representatives

Upon Reading your Votes concerning the Disposition of the Publick money, and what you call Call a Grievance with Relation to the not holding the Circuit Court in Monmouth County, I did on the 5[th] of this month write to M[r] Speaker, to which I refer, and was not without hopes that you would calmly consider of what I there wrote both with respect to the Grievance mentioned, and the Disposition you had agreed to make in consequence of it, but to this you Answer that you do not conceive it for the Interest of this Colony (at this time) to enter into a particular Answer—But upon the whole, were and are of Opinion that the Method you have taken in setling the Salaries of the Justices of the Supream Court is the most Agreeable to Justice and Equity and will be most conducive to the publick Good.

Tho' I do not think that you have any Right of settling the Salaries of any of the Officers of the Government; yet I admit that by Act of Assembly For making a Paper Currency (which his Majesty at the pressing Instances of his Subjects here was graciously pleased to give his Royal Assent to) and appointing that Currency so made to be applied to the Support of his Government of this Province, in such a manner, as should be agreed by Governor, Council and Assembly, I say I do admit that by that Act you have a right to propose and agree what part of that Currencye shall be apply'd to the Support of the Government, and in what manner; this is all the right that in this Case you have, and no other, and the Council & the Governour have equally the same Right, and each of them have the Power as much as you, if they will be Obstinate, and refuse agreeing to any-

thing proposed on this Head by the other parts of the Legislature and leave the Government unsupported, but reasonable Men should do Reasonable things and in no case adhere to things, because they can do it but because it is just and fit to do so; and whether Just and fit (if not thought to be so) should be setled by calm and free Debate, and the declining to do that, will not (in the Judgment of indifferent and unprejudiced men) shew the Justice and Equity of the Decliners whatever else it does.

On the 6th of December I received a Message from your House acquainting me that the house had no further Business before them, and to desire me to put an End to the Session—I had not then the Bill for the Support of the Government before me, nor did it pass the Council, till the Seventh and was brought to me about four a Clock in the afternoon of that day.

I told the Messengers that the Bill for the Support was not yet come up, and asked them whether it was the meaning of the House that I should End the Sessions before it did? they reply'd they believed not; I then desired them to sit down and write what they understood to be the meaning of the House by that Message, which they refused to do, being in this Case but Messengers and had not authority to put any meaning to the Message, but what the words of it imported, or to that effect: I then told them that I did not understand it—In the end of another Message of December 7th in the morning, they express themselves with a litle more Decency, and desire that the End of the Sessions may be as soon as possible, and in one of the 9th they acquaint me, that as the House sits at a great Expence to the Country and have nothing, before them they desire that I will put an End to this Session. What the Intention of these several Messages was, unless it were to create in the minds of the People an Opinion, that the Assembly are unreasonably detained, I, at Present, do not see But to make an Answer to those and every Message of this Kind that for the future may be sent, I take leave to say, that as to the two first, they were sent to me before the

Bill for the Support came to me and the first before that Bill had passed the Council, so that it was not reasonable for me to put an End to the Session at that Time 2^{dly} your hav.g nothing before your House is not a Sufficient reason for putting an End to the Session: for while any Bills past by you and sent to the Council are under the Consideration of that Board it is not fit or reasonable to put an End to the Session, untill it is Regularly known whether they will pass such Bill or not 3^{dly} you have had this Bill for the Support of the Govern^{t} before you now about Two months, and I not above two days; and I ought to have some time to consider of a Bill of such a Nature pursuant to the trust reposed in me; and it is Time enough For you to apply to me to put an End to the Session when there is not anything before any part of the Legislature 4^{thly} I conceive that you are much out of the Road and Sphere of your Employment and Business to repeat Messages to me to put an End to the Sessions; for whether I shall put an End to it by Prorogation or Disolution, or Continue it by Adjournment, you have no Authority, as I take it, to advise or require 5^{thly} But if you mean an end to the present Sitting of Assembly (as perhaps you may tho' I am not certain that you do) I do assure you, that you cannot be more Inclined to it than I am and I should have been very glad if I could have done it a month ago I shall not knowingly continue it unnecesarily. But when or in what manner I shall put a Period to any Sitting of Assembly, I am the sole Judge; and tho' I shall always pay a very great Regard to anything you Request of me that is proper for you to ask and me to grant yet I think you ought to excuse me, if I do not think a Message of this Kind at all proper from you, and especially for the reason you give that there is nothing before you; because the Duty of your Station as much obliges you to wait the Determination of the other parts of the Legislature, of things before them, as it does them to wait yours; and I do not conceive that you have any Right to press them, or either of them to make more haste than they think proper to do

Perusing your Notes of Decem^{r} 5th I found amongst other

things that it was resolved by your House, That as there is no General Law For establishing Fees in this Colony "It is "the Opinion of this House, that the Act entituled, an Act "For ascertaining the Fees to be taken by the several Officers "in the Colony of New Jersey, passed by the Governor, "Councill and General Assembly this Session, as it has the "Approbation of the three branches of the Legislature here, "ought to have due weight with the Judges, and all others "concerned and that they ought to take the said Act for "their Rule to Govern themselves by untill his Majesties "Pleasure be known concerning the same" So far the opinion of your House; then you proceed to make an Order with Reasons for doing it in these words viz^{t} "And to the "End the said Act may be made Publick, For the Service "aforesaid Ordered that it be printed."

This Resolve and Order being a thing of an Extraordinary nature and Tendency, and the Votes of that Day given me by your Clerke not being signed by him, I believed there was some Mistake, and doubted of their being your Resolves, as they were brought to me.

Upon which I sent for the House of Representatives and when you came shew'd you the Copy of the Votes sent me as I suppos'd in the handwriting of your Clerk, and ask'd you whether these (the Votes shewn you) were the Votes and Resolutions of your House? You & several of the Members present view'd and look'd over the paper and you told me that you believed they were: But for more certainty the Clerk and Minute Book were sent for, and the Clerk and the Clerk compar'd the Votes sent wth the minute Book in presence of the Governor Council and Assembly, and in their presence signed the Votes sent as true Copy, so that there is no Room to doubt, but that these were the Votes and Resolutions of your House & being so as you had confess'd the Act above mentioned to be past by the Legislature here, I ask'd, Quer. 2^{d} Whether that Act did not provide that it should not be in force, untill his Majesties Pleasure is known? This stood confess'd by all For the words of the Act are positive

"that neither the Act nor any Part thereof shall be in force till his Majesties Pleasure is known"—This was not an Act pass'd long ago, but a few days since by the present Legislature and by you yourselves as part of it so that you could not be Ignorant; that it was not in force, nor intended to be in force, till his Majestie had declared it to be so; I then ask'd you, Quer: 3d Whether the Act was not in force, before the Kings Pleasure was known? and required a direct Answer of yes or no; and your Answer was no, that it was not in force. I had before this told you that I did not intend to Surprize you into Answers, but would send these Questions in Writing to the House; and upon your answering That the Act was not in force one at your right Hand (I think it was Mr Farmar) mentioned what I had said of sending the Questions to your House in Writing which I Confirmed, and you forebore answering any more and I proceeded to ask the following Questions vizt Quer 4th Ought the Judges and others to govern themselves by that Act? or any Act not in force

Quer: 5: Can a less authority than that of the Legislature here make any Law that shall be binding on the People

Quer. 6 By what Authority do you take upon yourselves to say, that an Act expressly Enacted not to be in force till the Kings Pleasure is known concerning it, ought to be a Rule to the Judges and others to govern themselves by?

The Questions related to your opinion, and a direct Answer to them would I, believed, have shown you how ill grounded that opinion was, to say no more of it, what follows related to your Practice.

Quer. 7. And by what Authority do you Order an Act not in force to be printed as a Rule for the Government of the People? or indeed any Act?

Quer: 8. If you have or pretend to have, any such Authority let me know whence you derive it, and how you came by it? that His Majesty may be informed of it.

These Questions I sent to your House in Writing, and required a direct and categorical Answer, but instead of that, you say "that as your House only gave their Opinion of an

"Act which had passed the three Branches of the Legislature "here; and have not Assum'd to themselves any Unwarrant- "able Authority, they think themselves not accountable for "that Opinion, and that it is not consistent with Honour and "Dignity of this House and the trust repos'd in them to give "any other Answer to the said Queries"—I am sorry for your own sakes and for the sake of the Publick, that such an Answer came from you; and that it is Nemine Contradiciente; For tho' I believed there were some among you, too much disposed to run things into Confusion yet I supposed there were many more Judicious Men who heartily and Sincerely desired and Endeavoured the Peace and Prosperity of their Country and would not be influenced to run into Measures that have a Contrary Tendency.

I think you Cannot but know, that when a Bill has once pass'd the Legislature and becomes a Law no one part of the Legislature has any Right to interpret it, but that is left solely to the Judges, while it is a Bill either of them may give what Opinion they please, but when once it becomes a Law it equally binds these that make it, as well as others; and no one part of the Legislature (as such) has any right to say it means this or that; or to give any Opinion about it, and if any one part should assume to themselves that Power; having no more right to do so, than any other, I leave you to Judge what the consequence must be and the Confusion, that must naturally follow upon it

I speak here of an Act agreed by all to be in force immediately upon its being pass'd into a Law: But when an Act is passed by the three Branches of the Legislature here into a Law, but its force Suspended for a time, or untill something happens, as in the present Case, untill the King's Pleasure be known, is not the Declaration of one part of the Legislature that the Judges ought to take such Act for a Rule, before such time to govern themselves by, or before the King's Pleasure be known, a flat Contradiction to the purview of the Act of the whole Legislature? and is it not plain that such Declaration is highly unwarrantable, and can have

no good Tendency, but may have many ill ones: But you have gone something further, and resolved that for the service aforesaid (that is for the Government of the Judges and others) Ordered that the Act be printed. All I shall say upon this Head is *that I hope you will be more prudent than to make any such Order and the Printer more prudent than to obey it*, and I add that it had not been less prudent in you, nor anyway inconsistent with your true Honour and Dignity to have waited till his Majesty had declared his Pleasure concerning this Act, before you made any Declaration of your Opinion about it—Gentlemen, no man has a Greater Regard for the Honour and Dignity of your House when kept within its proper bounds than I have nor more willing to admit you to the Free Enjoyment of all the Liberties and Privileges belonging to it: But when I think you Transgress these Limits set to it by the Law and Constitution of the Province, The Duty of my Station obliges me to take notice of it to you, which I hope will always have its proper effects in letting you see that [which] in your Conduct is erroneous, and consequently prevaill on you to avoid the like for the Future

Gentlemen and Council of the Assembly

I heartily thank you for the Agreement you have made For the Support of the Government and particularly for the Share allotted to me in it, and I hope when you next meet on this Head you will think it necessary for the Publick Service that there Shall be an Allowance for the Clerk of Assize, a Provision For incidental Charges, For the meeting of the Council and some Larger Allowances for other Officers the Charge to the Publick attending the long Annual Sitting of Assemblys, that is so great an Addition to that of supporting of the Government may not be unworthy your thought, I have nothing more at present but to prorogue this General Assembly and they are accordingly prorogued till the First Tuesday of April next to meet at Burlington, and so Gentlemen, I wish you all safe to your several Habitations

LEWIS MORRIS

Proceedings of *Council* for the Province of New Jersey at a Meeting of General Assembly of the s[d] Province begun & holden at Burlington

Friday 22[d] June 1744

Present

John Rodman, Richard Smith } Esq[rs] Robert Hunter Morris, Edward Antill } Esq[rs]

Adjourned to

Saturday 23[d] June

Present. The Same

His Excellency came into Council, & having by the Sec̄ry commanded the attendance of the House of Representatives was pleased to open the Sessions w[th] a Speech to both Houses as follows Viz[t]

Gentlemen of the Council & Assembly

The Accounts we have had for some Time past from Europe gave us reason to believe that a war with France was to be expected, for which reason I made short prorogations of the Assembly of this Province, that I might soon meet them after having received certain & authoritive Information that such War was declared which I have not long since received & his Majestys Declaration of War is made publick[1] & consequently the necessity known of putting this Province in as good a posture of defence as we can to prevent any damage from any attempts the Enemy may make either by Sea or Land & to enable us to give all the Assistance in our power to our Neighbouring Provinces should they stand in need of it, & which I am Commanded to give upon any such occasion.

[1] The war of the Hanoverian succession. Great Britain declared war March 29th, 1744, the declaration being published two days later.—*Penn. Col. Records, IV., 689-91.* Gov. Morris got his advices through the newspapers first, and on June 9th from the Duke of Newcastle.—*Papers of Lewis Morris, 185-91.*

I have more than once recommended the passing a Law for the better regulating of our Milita which I believe you are not ignorant is not in so good order as probably it might have been had the Laws been more strict, or even loose as they were had the Officers done their duty in making distresses where by Law they were required.

I have received a Petition from the Lieutenant & other Officers about Trenton against their Captain for his neglect in that particular which the Captain has confessed and owns to me that these distresses would have amounted to about £100 „ but urged in his Excuse for the breach of his duty, his being Compassionate.

The Money arising by these Distresses (I think) is to be applyed for the use of the poor (tho' in my opinion not the most proper Application) and had they been levyed the poor at least would have some Benefit by it and probably the persons Neglecting their Duty more Cautious of offending for the future & consequently better Skilled in the ℘formance of what the Law appointed their meeting for & the Distresses for neglecting what was there by directed; But seems not intended to give a discretionary power to the Officer of making distresses or not thereby evading the whole Intent of the Act & exposing those ready & Willing to do their duty to the Scorn & dirision of those who must if at all (under God) be protected & supported by their doing so.

I suppose the like Compassion (or something worse) hath prevail'd in the Countys of Burlington & Gloucester for I have not heard of any Militia Companys Meeting in either of those Countys, & have reason to believe that Men tolerably qualified to execute Military Offices are prevailed on to decline accepting of them, or when accepting, to neglect performing the duty of them.

Things of this nature should not be in this Condition because dangerous to the publick Safety & especially in this time of War, with an Enemy who is too well informed of the Circumstances we are in & (if we do not take some effectual

methods to alter them) wants neither Knowledge nor Inclination to make use of them to our [dis?] advantage.

I have more than once Spoke to you on this head and the last Time We met I laid before you a Letter from the Then Lords of the Regency directing me to employ the most effectual means for putting this Colony in the best posture of defence that should be possible & to be constantly upon my Guard against any Suprize from any Quart[r] whatsoever & a second wherein they farther direct me to put the forces belonging to this province into such a Condition as to be able not only to repel the French Forces if they should attack This Province but likewise to be in a Condition if it should become necessary to attack them What effect these Letters had on your Consultations you only can tell.

In what Condition we are at present to do either is not unknown to most here but that we should be in as good a posture of defence on this occasion as we can be I suppose will not be denyed by any Friend to the present Governm[t] I therefore heartily recomend to you the passing such Laws as will render our Militia useful & efectual for our defence and that, as soon as possible because we Know not when or where, we shall be attacked tho' we are not ignorant where it is not unlikely we may, & whether some Fortifications be not needfull I refer to your Consideration

There will be occasion for Watches in more places than one & probably of often expresses and if it should be needfull to march any Transport Forces either for our own Defence or in pursuit of an Enemy or for the assistance of our Neighbours, Care should be taken for provisions and Transports for them at the Publick Charge and there will be a necessity of often Meeting the Council which should not be made a Burthen to them.

I should rather this meeting had been at a Season of the Year when Your attendance on Your private affairs could have been more easily dispens'd with & the circumstances of things admitted it, but since things of this kind have been formerly postpon'd & will at present admit of no delay, I

recommed the most prudent dispatch to you that the season of the Year may prove as little inconvenient to you as possible. And I pray God direct your Consultations.[1]

LEWIS MORRIS

Adjourned to

Monday 25th June 1744

Present

John Rodman, Richard Smith, Edward Antill } Esqrs

Adjourned to

Tuesday 26th June 1744

Present

John Reading, John Rodman } Esqrs — Richard Smith, Robt H. Morris } Esqrs

Edward Antill Esqr

His Excellency's Speech delivered on Saturday was read.

Mr Morris moved that an Act of the General Assembly of this Province pass'd 4o George 2d entitled an Act for setling the Militia of the Province of New Jersey might be read and the same was read accordingly. then

Mr Morris Moved that a Commee Might be appointed to bring in a Bill for settling and better regulating of the Militia of the Province of New Jersey which being agreed to

Ordered that Mr Morris and Mr Antill be a Committee to prepare and bring in the said Bill accordingly.

Mr Reading laid before the House a Letter to him from Coll Hamilton Dated Amboy 24 June, acquainting him that he was in hopes by this Time to have waited upon the Council, but that he mended so slowly he durst hardly undertake the Journey.

adjourned to

[1] This speech is given in N. J. Archives, VI., 178.

Wednesday 27th June

Present The same

adjourned to

4 oClock P. M.

His Excellency came into Council & The Speaker with the House of Assembly Attending, presented the following Address to his Excellency.

To his Excellency Lewis Morris Esqr Captn Genl & Govr in Chief &c.

The Humble Address of the General Assembly of the Colony of New Jersey in General Assembly convened.

May it please your Excellency.

We his Majestys dutiful and loyal subjects the Represent[s] of the Colony of New Jersey beg leave to thank your Excellency for the Care you have taken to so order[d] the prorogations of the General Assembly That upon any Emergency their meeting might be sudden & answer the purposes you were pleased to mention

Upon your Excellencys recommendation to the passing a Law for regulating a Militia we have Carefully & deliberately considered the Act entitled an Act for settling the Militia of the Province of New Jersey in all its parts and we are humbly of Opinion that as it now Stands it not only sufficiently provides for the settling of a Militia & Watches in the Colony but also enables your Excellency to give what Assistance the Circumstances of this Colony will admit to any of our Neighbouring Colonys that may want it.

The executive part of the Law we humbly conceive to be Lodg'd in your Excellency & those Military Officers who you have or shall appoint that neglect their Duty are accountable to you [in] whom the power requisite to superintend them are invested.

Had your Excellency pointed out who they are in the Countys of Burlington & Gloucester that take upon them to prevail with Men tolerably Qualified for Military Offices not to accept of them & when accepted neglect performing their duty we should not have been wanting to join in the Examination of their Conduct but as no such Information hath been brought to us, their Case seems not to be our immediate Business.

As heretofore the loyal Assemblys of New Jersey have chearfully granted Assistance to the utmost of their ability upon any Emergencys so your Excellency may be assured they will always readily do their duty in providing for the necessary Expences that may be occasioned by summoning the Forces together according to Law for repelling any force that may invade us at home, or for the Assistance of our Neighbours or indeed upon any necessary Occasion whatsoever.

What further remains to be considered on these Heads we hope your Excellency will permit us to Consult our Constituents upon. It is now Harvest Time, & many of the Members being from home is very disadvantageous to them, a Redress[1] till the usual Time for doing Business we humbly Conceive cannot be prejudicial to the publick nor any Business that Could now hastily be done so well answer the good ends your Excellency has in View.

It is both our Duty & Interest to provide for the safety of this Colony by putting it into the best posture of Defence we are Capable of Doing this in the time of our Recess will be the subject of our Consideration, & at our next meeting if we can think of any thing that will be further serviceable to the Colony we shall then take it into our most serious Consideration and make provision accordingly.[2]

By Order of the House

ANDREW JOHNSTON Speaker

[1] Recess.

[2] Printed also in N. J. Archives, VI., 181.

Several of the Members being of the people Called Quakers do agree to the matter & substance of the above Address with their usual Exception to the Stile

Then his Excellency was pleased to say he would take their address into Consideration.

Then the House adjourned to

Thursday 28th June 1744

Present. The Same

Mr Morris from the Committee appointed to bring in the Bill for settling & better regulating of the Militia of the Province of New Jersey brought in the same.

Which Bill was read the first time and ordered a second reading

The House adjourned to

Friday 29th June 1744

Present. The Same

The Bill entitled an Act for the better settling & regulating of the Militia &c was read a second Time & committed to the Whole House, or any three of the Members.

The House adjourned to

4 oClock P. M.

Present. The Same

His Excellency having come into Council & having by the Secry commanded the attendance of the Assembly was pleased to make a Speech to the House as follows.

M. Speaker and Gentlemen of the Assembly

When I spoke to you last from this place I gave some Instances which I believed shew'd plainly enough some of the Deficiencys in the Militia Act, the first was one of the Captns who had not made any of the Distresses appointed by that Act to be made upon the persons not complying with the Directions of it which by his Confession of the thing & owning the Value of what he believed the Distresses would have amounted to shewed the Instance given to be true & consequently that such a Number of Men whose defaults would have amounted to so large a sum as £100 „ had not been trained as by that Act was directed they should have been therefore probably not so Knowing in the performance of what the Law appointed them to be trained for nor so usefull as they might have been had the Law been more strictly put in execution.

I mentioned to you that all the excuse he made for the neglect of his Duty (or what I conceived to be so) was his Compassion but that the Law seemed not to intend to give a discretionary power to the Officer to make distresses or not, thereby evading the whole intent of the Act

I am still of the same opinion because the Law not only impowers a Captain or Commanding officer to make out Warrants of Distress to distrain upon the Goods and Chattels of the persons neglecting but requires him to do it, so that he making such Distresses his duty to do, and the neglect of it a Breach or Neglect of that duty that the Law requires of him & by that means eludes the main if not the whole intent of it, but there is not in that Act (that I can find) any punishment appointed for that offence, which I take to be one great defect of the Law & tends to render the whole in a great measure useless.

I did suppose (and I think with room) that such Compassion (or something worse) had prevailed in the Countys of Burlington and Gloucester for that I had not heard of any Militia Companys Meeting in either of these Countys and had reason to believe that men tollerably qualified to execute

Military Offices were prevailed on to decline accepting of them or when accepted to neglect performing the Duty of them.

That Officers have accepted of Military Commissions and others have declined accepting of them in those Countys & elsewhere is well enough known to me: That there has not been any meeting of Militia Companys since I came to the Goverm^{t} in either of those Countys as I have been informed, & believe you and the Members of those Countys know it to be true that there has been no such Meeting & Consequently that those accepting of them have been prevailed on to decline the Execution of them & others to decline accepting is manifest; But whether prevailed on by the persuasion of Men or by what other Motive, I could not nor did not say, But prevail'd on they were; if no such Companys met I did [lay] this as a fact before the Gentlemen of the Council & your Honourable House that proper provisions might be made to prevent the like for the future, it not being very material or much worth your Enquiry whether any Body persuaded them or not, if the true end of the Militia Act be answered, & which I am willing to hope you will give all the help in your power to do.

There is a provision in the Militia Act that if any person appointed by the Captain to be a Serjeant or Corporal shall refuse the Office he shall forfeit the sum of Twenty shillings but there is no provision made in case of refusal of a Captain Colonel Lieutenant Colonel Major &c. which are each necessary as a Serjeant or Corp^{l} & which as things are Circumstanced people are not easily prevail'd upon to accept.

The quantity of powder & Lead appointed to be had on appearance & the Quantity appointed for each Man to Keep by him seems to me to be too small & the application of the Fines to be raised for the neglect of appearance to the poor seems not to be so proper an[d] useful an application as if they were applyed to some Military purpose.

The fines also for not appearing or having Fuzees seems to me too small to answer the purpose intended by them.

There is a Clause in this Act [in] which 'tis said that it shall and may be lawfull for the Captain General &c. for the Time being in Case of Invasion to call all or so many of the persons together for repelling the Force of an Enemy or order such Detachment for the Common Defence as he shall think fit to follow & pursue the Enemy into any of the neighbouring Governments &c.

You may think and perhaps do that this Clause enables the Gov^{r} to defend the Inhabitants to pursue an enemy into a Neighbouring province or to assist them upon occasion but if you do, you are (pardon the Expression) much mistaken

The Kings Letters patent under the great Seal gave to the Governour who pass'd that Act the power of calling the Forces of this Province together at such Times and places as he judg'd proper in case of Invasion Insurrection or Rebellion (not mentioned in our Act and to march them against an Enemy & pursue them out of this Province into any of the neighbouring Provinces & to give them aid in any such case if they need it And the Act of Assembly is only declarative of the power lodgd in him by Virtue of the Letters Patent antecedent to the making of that Act And the Governour of this Province could and can do all this tho' no such Clause had ever been made So that the Governour has no addition of power by virtue of this Act, & the utmost force of it is only to train the Men and teach them the use of Arms if they had them; and were it effectual for that purpose (as I think it is not) it would be at least but a good preparation to make them fit to encounter an Enemy and pursue them. But unless subsisted wth provision & supported can not long resist an Enemy or pursue them, cannot be marched from one place to another in our own Province nor transported to assist a neighbouring one & no provision being made for this in the Militia Act is the grand deficiency of it & without such provision the Act (except what it directs concerning the Training of the Men) is not worth a Rush the Cap^{n} General having power sufficient (as I said before) to do every thing

w^ch that Act says it shall be lawful for him to do if that Act had no Being.

The Militia or what we call the Militia in this County is not a salect part of the people as it is in England set apart for that purpose & under Officers ready to be made use of on occasion and when there is need for them, employed and payed at the Public Charge but the whole Body of the people from 16 years of Age to 60, it is fit that all those people should be trained and taught the use of Arms & it is chiefly for this that the Militia Act is intended part of these people that are nigh to the place where an Enemy makes an attempt may be got together & make some defence but it will be found very difficult if practicable to keep them together if some provision be not made for their Subsistence & Support.

It is the duty of every Man to resist an Invasion & Consequently every one ought to share in the Expence that it occasions & not to let it fall solely on those who are employed to venture their Lives in making the necessary Resistance, such numbers of those as it will be necessary to employ on these occasions & to march from place to place in our own Government or to be transported in aid of another will naturally think that they ought not nor cannot leave their Familys & several Farms or occupations by which they are Supported to serve the Publick without being paid for it, this is the practice of all Countrys in some method or other & the practice of our Mother Country as you may see by the several Militia Acts the 13, 14, 15 of Charles 2^d the 1^st of George and indeed during the Reigns of King William 3^d Queen Anne & King George Acts were annually made for the raising the Militia which Militia are always employed as there is occasion & such as are employed to be paid in the manner directed

The making some Provisions of this kind is necessary at this time & that without any unnecessary Delays The doing what we can do in this Case is much more likely to prove effectual for the defence of our Country if there should be any attempt made upon it then the meeting three or four

times a year to hear a Drum rattle or see some Colours waved it may be getting drunk into the Bargain can do. Tho' such meetings are not without their proper use to render Men more fit than otherwise they would be to defend their Country, but without something more will never defend it.

Gentlemen

I need not repeat what I so lately said both to the Council & yourselves our Accounts of the attempts of the Enemy upon our Neighbors with so great a Force as five thousand Men makes it reasonable to think they have further views and ought to warn us to prepare as much as we can for our Defence without any delay and therefore I must earnestly entreat you to set heartily about it & shew by your Deeds that you have the Interest & safety of the Country at Heart & are truely his Majestys loyal and affectionate Subjects which I doubt not you will gladly embrace all opportunitys of doing[1]

LEWIS MORRIS

Then the House of Assembly withdrew & sometime after his Excellency left the Council

M^r^ Morris from the Comm^ee^ on the Bill for the better setling and regulating of the Militia &c reported to the House that the Comm^ee^ had gone thro' the said Bill & made some Amendments both in the Title and body of the same which amendments he read in his place and the same having been agreed to by the House.

Ordered That said Bill with the Amendm^ts^ be engrossed.

Then the House adjourned to

Saturday 30^th^ June 1744

Present—as before

The Engrossed Bill entitled an Act for better settling & regulating the Militia of the Province of New Jersey & for

[1] N. J. Archives, VI., 183.

making pvision in Case of Rebellion Invasion or Insurrection was read a third Time.

Resolved That said Bill Do pass

Ordered that the Speaker do sign the same

Ordered That Mr Morris do carry the said Bill down to the House of Assembly for their Concurrence

Then The House adjourned to

Munday 2d July 1744

Present.

John Rodman, Richard Smith, Richard Antill } Esqrs

The House adjourned to Tuesday 3d July 1744

Present—The Same

His Excellency came into Council

A Message from the House of Assembly by Mr Eaton & Mr Cooke to his Excellency in the following words

Ordered That Mr Eaton & Mr Cook do wait on his Excellency & acquaint him that this House being willing to pay the regard due to what was recommended to them by his Excellency, committed his Speech of the 29th of last Month to a Committee of the whole House where it was maturely considered & found in substance to differ but little from what the House before understood to be the import of his Excellencys first Speech on wch they then came to Sundry Resolutions & communicate them to his Excellcy in their address wherein they assure his Excellency that they will always readily do their duty in pviding for the necessary expenses that may be occasioned by summoning the forces together according to Law for repelling any Force that may invade us at home or for the assistance of our Neighbours or indeed upon any necessary occasion whatsoever

That the Expence that will attend things of that nature are so uncertain & the providing for it beforehand attended with such innumerable Difficultys that they humbly Conceive the Assurances given are sufficient at present and that on the whole they see no Cause to alter their sentiments from what they then were on these heads.

That as to the attempts of the Enemy upon our Neighbours it is now near a Week since the Report came to Town & no Express has yet arrived to his Excellency to confirm it, that the House has heard of, They therefore hope it will prove groundless.

That altho' the House are under the misfortune of differing in Sentiments from his Excellency respecting the Act of Assembly for setling the Militia that hath been many years in force in this Colony, They nevertheless hope to shew by their Deeds on every occasion that they have the Interest and safety of the Country and are truely his Majestys loyal and affectionate Subjects.

And that the House humbly pray his Excellency to grant them a Recess Till the usual Time of doing Business

His Excellency was pleased to say he would consider of the above Message & M^{r} Eaton & M^{r} Cook withdrew.

Thereafter his Excellency having by the Sec^{y} commanded the Attendance of the House of Assembly was pleased to make the following Speech to them & to dissolve the Assembly.

M^{r} Speaker & Gentlemen of the Assembly

I endeavoured to shew you when I last spoke to you that it was necessary to make some provision for the Defence of the Country in case we should be attacked as we might be, I represented the Case of your Neighbours who had been attacked. This tho' I have received no Account of it by express & perhaps never may (this Governm^{t} being too remote to give any assistance to Newfoundland Nova Scotia or South Carolina) yet by undoubted accounts the thing appears too true, The Council sensible of the Danger prepared a Bill which they pass'd and sent to your House, which contrary to the

Duty of your Station & of evident ill consequences to the Publick you have ordered to lie on your Table and by your last message, you flatly tell me (That the Expences that will attend things of that Nature are so uncertain and the providing for it before hand attended with such innumerable Difficultys that you humbly conceive the Assurances given are sufficient at present and that on the whole you see no Cause to alter your Sentiments from what they were on those heads which is peremporily saying (whatever your Promises are) that you will make no Provision at all for the Defence of the Country before they are invaded. This is so far from shewing and[1] Loyalty to your Sovereign that it shows the Contrary as well as a firm Resolution not to make any Provision for defence, and a want of Affection for your fellow Subjects I therefore by virtue of the powers and authoritys to me given under the great Seal of Great Britain do Dissolve this Assembly, and you are accordingly dissolv'd.[2]

LEWIS MORRIS

Journal of the Proceedings of his Majesty's Council for the Province of New Jersey at a Sessions of General Assembly of the said Province begun and holden at the City of Perth Amboy, on Saturday the Eighteenth Day of August 1744, in the Eighteenth year of his Majesty's Reign.

The General Assembly of the Province of New Jersey being by his Majesty's Writ under the great Seal of the said Province called to meet at the City of Perth Amboy on the Sixteenth Day of August 1744, and being by two several prorogations continued to

[1] Any.
[2] N. J. Archives, VI., 189-191.

Saturday August 18, 1744

Present

John Hamilton, James Alexander, John Rodman } Esq^rs

Robert Hunter Morris, Edward Antill, James Hude } Esq^rs

His Excellency having been pleased to nominate and appoint James Hude Esq^r to be one of his Majesty's Council, (the Number of Councillors residing within this Province being under Seven) and he having been duly qualified before his Excellency was admitted and took his seat accordingly

The House of Assembly[1] having made choice of and presented to his Excellency Samuel Nevill Esq^r as their Speaker, his Excellency was pleased to approve of their Choice and to open the Sessions with the following Speech to both Houses.

"Gentlemen of the Council and Assembly.

"What I said at the Meeting of the last Assembly at Bur-
"lington to shew the necessity of putting this Province into
"as good a posture of defence as we could do concerning the
"defects of the present Militia Act for that purpose, is pub-
"lick and it being so short a Time since, and many of the
"Members now here then present, it must be so fresh in
"their Memorys, as to make a repetition of it needless"

"I shall not enlarge upon this Subject, because the present
"unsafe Condition of the Inhabitants of the Province is a
"motive sufficient to induce you to do all in your power and
"render them as secure as you can.

"This his Majesty Commands to be done, and the reason

[1] The House of Assembly was composed as follows: *Perth Amboy*—Samuel Nevill, Samuel Leonard; *Middlesex*—Robert Hude, William Ouke; *Monmouth*—John Eaton, Robert Lawrence; *Essex*—George Vreeland, John Crane; *Somerset*—J. Van Middleswart, Derrick Van Veghten; *Bergen*—Lawrence Van Buskirk, David Demarest; *Burlington*—William Cook, Thomas Shinn; *Burlington City*—Richard Smith, Isaac Pearson; *Gloucester*—Joseph Cooper, John Mickle; *Salem*—William Hancock, Moses Shepherd; *Cape May*—Henry Young, Jacob Spicer; *Hunterdon*—William Mott, Daniel Doughty. Messrs. Hude, Ouke, Crane, Shepherd, Young and Spicer were new members in this, the fourteenth, Assembly.—*N. J. Hist. Soc. Proceedings*, May, 1850.

"and necessity of doing it is so apparent that I need only to "desire you to set about it with as little delay as possible.

"When that is done, if you propose any Bills necessary or "beneficial for the Inhabitants of the province in my power "to assent unto I shall readily and willingly pass them into "Laws; And I pray that the good God will so direct and "influence all your Consultations as to make them most "effectual for the publick good

LEWIS MORRIS

The House adjourned to

Monday August 20th 1744

Adjourned to Tuesday August 21st

Adjourned to Wednesday August 22nd

Adjourned to Thursday August 23d

Adjourned to Friday August 24th

Adjourned to Saturday August 25th

Present

John Hamilton John Reading James Alexander John Rodman	Esqrs	Richard Smith Robt Hunter Morris Edward Antill James Hude	Esqrs

His Excellency came into Council, and having by the Secretary ordered the attendance of the House of Assembly, the Speaker and House attended, and in Council presented the following address to his Excellency

To his Excellency Lewis Morris Esqre Captain General and Governour in Chief in and over his Majesty's Province of New Jersey and Territories thereon depending in America, and Vice Admiral of the same &c.

May it please your Excellency

We his Majesties dutiful and loyal subjects the representatives of the Colony of New Jersey beg leave to thank your Excellency for your favourable Speech made to both Houses.

What your Excellency said at the Meeting of the last Assembly at Burlington to shew the Necessity of putting this Colony into as good a posture of defence as we could do, and concerning the defects of the present Militia Act for that purpose we acknowledge is Publick, and what you have said shall have its proper and due weight with every Member of our House. We have accordingly resolved to take the state of the Militia of the Colony into Consideration and we shall endeavour to make it as effectual for the safety and Defence of the Inhabitants as the nature and circumstances of things will admit, and have already appointed a Committee to prepare the draught of a Bill for that purpose to lay before the House.

We hope as we believe your Excellency doth, that there may be no occasion for the calling the Forces of the Colony or any part of them together to defeat and render ineffectual any attempt of an Enemy upon us, And we have that good opinion of the affection Loyalty and duty of the Inhabitants of this Province to his Majesty and his Royal Family (which we hope may always continue to the British Throne) that they are far from having any thought of making an Insurrection or Rebellion to disturb the publick peace. Yet we beg leave to assure your Excellency that this House will always chearfully do their duty and provide for the necessary Expences that may be occasioned by the legal calling of the Forces of this Colony together, or any part of them for the repelling an Enemy or quelling any Insurrection or Rebellion or for the Assistance of our Neighbours, or upon any other necessary occasion whatsoever, and have voted and resolved accordingly.

We beg leave to say that we meet together at this Time with hearty and sincere intentions to do all in our power necessary for the publick good and happiness of the Inhabitants of this Colony, or conducive to it, and that with no

more delay than needfull, which we hope will make what we are to ask, admit of the most favourable Construction.

At this busy Season of the Year many of the Members cannot attend without great prejudice to their private affairs, and many of the people being sick both in the Country and this City (which we suppose prevents our having so full a House as we desire should be on this occasion) and the usual Time of doing business being nigh when the Members may meet with less detriment to their private affairs, We hope so small and as we conceive, so needfull delay will not prove prejudicial to the publick, considering what we have had the Honour to say to your Excellency, We therefore become Petitioners to your Excellency to order us to adjourn for a month or five weeks at which time we may make provision for the Support of the Government, and propose other necessary or Convenient Laws as we shall heartily and sincerely endeavour on our part to promote that Harmony and good Agreement amongst the Branches of the Legislature, so necessary for the publick good and shew our selves not unworthy of any favour your Excellency will please to indulge us with.

By order of the House
SAMUEL NEVILL Speaker

Thereafter his Excellency was pleased to make the following Speech to the House of Assembly.

M[r] Speaker & Gentlemen of the Assembly

Though what I recommended to you was in pursuance of his Majesty's Commands, as well as necessary in it self, and required the greatest Dispatch that the Nature and Circumstances of things would admit of: yet since you have come to the Resolutions you mention, and appear willing to go through at another time, not far distant, with what you have now so readily entered upon and resolved to take into your Consideration, and also then to provide for the support of the Government and to propose other Laws necessary or beneficial for the Inhabitants of the Province: I am willing to grant the

Recess you ask, and hope that the sincerity of your Intentions will so fully appear by your Actions at our next meeting that his Majesty will not blame me for not pressing the matter farther at this Time: And that the good agreement now subsisting, may be productive of that Harmony and Concord amongst all the Branches of the Legislature that may be as lasting as beneficial to the publick.

The not compleating all that might be done at this meeting tho' not mentioned in my speech to you will be attended with an additional charge to me; which you may consider of as you think proper.

As to the place to be adjourned unto. I leave it to the House whether at, Amboy, Burlington, Trenton or Brunswick. The Time the fourth of October next; and I hope that our next Meeting, be where it will may prove to the satisfaction of all.

LEWIS MORRIS

The Speaker and House of Assembly withdrew and after some time the Speaker returned and acquainted his Excellency in Council that he was ordered by the House of Assembly to acquaint his Excellency that, that House had agreed to adjourn to Burlington

His Excellency was pleased to withdraw

Then the Council adjourned to meet at Burlington on Thursday the fourth day of October next.

Journal of the proceedings of his Majesty's Council for the Province of New Jersey at a Sessions of the General Assembly of the said Province begun & holden at the City of Perth Amboy on Saturday the Eighteenth day of August 1744 and continued by adjournment to Burlington the 4th day of October thereafter.

Thursday October 4th 1744

The House met according to adjournment

Present

John Reading, John Rodman } Esqrs
Richard Smith, Robt Hunter Morris } Esqrs

The Members of the Council now met considering that they were not a Number sufficient to proceed upon Business and being informed that the other Members of their House were hindered from attending at Burlington at this Time by sickness, or other Causes of sufficient Weight to excuse them, and that it wou'd probably be some days before any Bills could be sent up to them from the House of Assembly, Have agreed to adjourn the Council to such Time as a Number of their Members should be at Burlington sufficient to make a Quorum to proceed upon Business.

The House adjourned accordingly

Wednesday October 24th 1744

Present

John Reading, John Rodman, Richard Smith } Esqrs
Robt Hunter Morris, Edward Antill, James Hude } Esqrs

A sufficient Number of Counsellors being now met, the House proceeded to Business, and

Mr Reading acquainted the House that on the 12th Instant Mr Eaton and Mr Mott from the House of Assembly had delivered to him a Bill entitled an Act to oblidge the several Sheriffs of this Colony to give security and take the Oaths or Affirmations therein directed for the due discharge of their Offices; with an order from that House to them to carry the said Bill to the Council for their Concurrence; which Bill and Order he had accordingly received from them (this

House not being then sitting) and he delivered the same in at the Table

The said Bill was read a first time and Ordered a second reading

Mr Smith acquainted the House that on the 13th Instant Mr Leonard and Mr Shinn from the House of Assembly had delivered to him a Bill entitled an Act to prevent Actions under fifteen pounds being brought into the Supreme Court of this Colony, with an Order from the House of Assembly to them to carry the said Bills to this House for their Concurrence.

Mr Smith further acquainted the House that on the 15. Inst Mr Lawrence and Mr Shinn from the House of Assembly had delivered to him a Bill entitled an Act for laying a Duty on Negroe, Indian and Mullatto Slaves imported into this Colony with an Order from the House of Assembly that they should carry the said Bill to this House for their Concurrence.

Mr Smith also acquainted the House that on the 22. Inst Mr Young and Mr Shepherd from the House of Assembly had delivered to them a Bill entitled an Act for to encourage the destroying of Crows, Blackbirds Squirells and Woodpeckers in the Counties of Gloucester Salem and Cape May with an order from the House of Assembly to them to carry the said Bill to this House for their Concurrence.

Which three several Bills and Orders Mr Smith had received (this House not being sitting in any of the days above mentioned, and he delivered the same in at the Table.

The said Three Bills were severally read a First Time, and each ordered a second reading

The House adjourned to 3 o'clock P. M.

Present. The Same

Mr Smith acquainted the House that on the 22 Inst Mr Cooke and Mr Van Middleswert from the House of Assembly had delivered to him a Bill entitled an Act for making Current forty thousand pounds in Bills of Credit; with an

Order from that House to the said Two Members to carry the said Bill to the Council for their Concurrence which Bill and order he had accordingly received from them (this House not being sitting at the Time) and he delivered the same in at the Table.

The said Bill was read a first Time and Ordered a second Reading.

Ordered that the Bill entitled an Act to oblidge the Sheriffs &c. The Bill entitled an Act to prevent Actions under fifteen pounds &c. The Bill entitled an Act for laying a Duty on Negroe, Indian and Mullato Slaves &c. and the Bill entitled an Act for to encourage the destroying of Crows &c. be all read a second Time to morrow.

The House adjourned to

Thursday Oct 25th 1744

Present. The same

The Bill entitled an Act to oblidge the several Sheriffs &c was read a second Time, and the Question being put whither the said Bill be Committed.

It pass'd in the Negative

Then the Question being put, whether the same be read a third Time.

It pass'd in the Negative

Thereafter the Question being put, whether the said Bill be rejected.

It pass'd in the Affirmative

Ordered that the said Bill be rejected

The Bill entitled an Act to prevent Actions under fifteen pounds &c. was read a second Time.

The House adjourned to 3 o'clock P. M.

Present
the same.

The House resumed the Consideration of the Bill entitled an Act to prevent Actions under fifteen pounds &c. and after some time spent thereon.

Resolved that the further Consideration thereof be deferred

The Bill entitled an Act for laying a Duty on Negro Indian and Mullatto Slaves was read a second Time and the further Consideration thereof deferred.

The Bill entitled an Act for to encourage the destroying of Blackbirds &c. was read a second Time and Committed to Mr Rodman & Mr Morris

The House adjourned to

Friday Oct. 26, 1744.

Present. The Same.

Mr Morris moved for leave to bring in a Bill for Continuing the Kings Highway which leads from Bergen point to Bergen Town to some convenient place on Hudson's River, for crossing that River to New York.

Ordered that he have leave accordingly

The House resumed the Consideration of the Bill entitled an Act to prevent Actions under fifteen pounds &c. And on the Question whether the said Bill be committed

It pass'd in the affirmative

Ordered that it be committed to Mr Smith and Mr Hude.

The House proceeded to take into Consideration the Bill entitled an Act for laying Duty on Negro Indian Mullatto Slaves &c. and on the Question whether the said Bill be committed?

It pass'd in the Negative

And on the Question whether the said Bill be rejected.

It pass'd in the Affirmative

Ordered that the said Bill be rejected.

Mr Mott and Mr Vanmiddleswart from the House of Assembly brought up a Bill entitled an Act for better settling and regulating the Militia of this Colony of New Jersey for

the repelling Invasions & suppressing Insurrections and Rebellions; which Bill was read a first Time and Ordered a Second Reading.

M^r^ Home Clerk of the Council laid before the House a Letter he had from John Hamilton Esq^r^ begging that his attendance in Council might be excused because of his present Illness, and that without him there might be a Sufficient Number of Counsellors to do business.

The House adjourned to

Saturday Oct^r^ 27, 1744.

Present

John Rodman, Richard Smith } Esq^rs^ — Rob^t^ H. Morris, Edward Antill } Esq^rs^

James Hude Esq^r^

The Bill entitled an Act for the better settling and regulating the Militia &^c^ was read a second Time and referred to a Committee of the whole House.

The Bill entitled an Act for Continuing the Kings Highway w^ch^ leads from Bergen point &^c^ was read a Second Time & Committed to M^r^ Morris and M^r^ Antill

The House adjourned to

Munday October 29, 1744.

Present. The Same.

The House adjourned to

Tuesday October 30, 1744.

Present

John Reading, John Rodman, Richard Smith } Esq^rs^ — Rob^t^ H. Morris, Edward Antill, James Hude } Esq^rs^

A Message from the House of Assembly by Mr Cooper and Mr Hude that That House had appointed Mr Cooper, Mr Eaton, Mr Hude, Mr Mott, Mr Hancock and Mr Spicer to be a Committee to joyn a Committee of this House to inspect the Treasurers Accompts and make report to the House, and desiring this House to appoint a Committe for that purpose.

The House adjourned to

Wednesday Oct^{r} 31, 1744.

Present. The Same

Ordered that Mr Reading Mr Rodman and Mr Smith be a Committe to join the Committe of the House of Assembly to inspect the Treasurers Accompts And to make report to this House.

Ordered that Mr Smith Do acquaint the House of Assembly therewith.

Mr Vreelands and Mr Crane from the House of Assembly brought up the Bill entitled An Act to repeal part of An Act of the General Assembly of this Colony, entitled an Act for preserving of Timber in the Eastern Division of the Colony of New Jersey &[c] for the Concurrence of this House

Which Bill was read the first Time and Ordered a second reading

The Bill entitled an Act for making Current forty thousand pounds &^{c} was read a Second Time.

The House adjourned to

Thursday Nov^{r} 1st 1744.

Present. The same

Mr Morris from the Committee on the Bill entitled an Act for Continuing the Kings High Way from Bergen point &c

reported that the Committee had gone through the same without making any Amendments thereto.

Resolved that the said Bill be engrossed

Mr Smith reported that he had obeyed the Order of this House of Yesterday

The House proceeded to take into Consideration the Bill entitled an Act for making Current forty thousand pounds &c and after some time spent thereon

The Question being put, whether the said Bill be Committed?

It pass'd in the Negative

Then the Question being put, whether the said Bill be read a third time.

It pass'd in the Negative

And the Question being put whether the said Bill be rejected?

It pass'd in the Affirmative

Ordered that the said Bill be rejected.

The House adjourned to

Friday Novr 2d 1744.

Present. The same

The Engrossed Bill entitled an Act for continuing the King's Highway from Bergen point &c was read the 3d time, and on the Question

Resolved that the said Bill do pass.

Ordered that the Speaker do sign the same.

Ordered that Mr Antill do carry down the said Bill to the House of Assembly for their Concurrence

The Bill entitled an Act to repeal part of an Act of the General Assembly of this Colony, entitled an Act for preserving of Timber in the Eastern Division of the Colony of New Jersey &c was read a Second Time and upon the Question whether the said Bill should be Committed?

It pass'd in the Negative

Then the Question was put whether the same should be read a third time?

It pass'd in the Negative

And the Question being put whether the said Bill be rejected.

It pass'd in the Affirmative

Ordered that the said Bill be rejected

M^r Morris from the Committee on the Bill entitled an Act for to encourage the destroying of Crows &c reported the same with some Amendments both to the Title and Body of the said Bill, which were read and agreed to by the House.

Ordered that the said Bill with the Amendments be read a third time, which was done accordingly, And on the Question

Resolved that the said Bill do pass

Ordered that M^r Morris Do carry down the said Bill with the Amendments Made thereto by this House to the House of Assembly for their Concurrence.

M^r Smith from the Committe on the Bill entitled An Act to prevent Actions under fifteen pounds &^c reported the same with some Amendments which were read

And a Motion being made that the Question be put whether the said Amendments should be agreed to by the House.

The previous Question was put, whether the said Question be now put?

It was Carried in the negative

The House adjourned to

Saturday Nov^r 3, 1744.

adjourned to

Saturday [Tuesday] Nov^r 6, 1744.

adjourned to

Wednesday Nov^r 7 1744.

Present

John Reading, John Rodman, Richard Smith } Esq^rs

Robert H. Morris, Edward Antill, James Hude } Esq^rs

Mr Smith acquainted the House that Yesterday the 6th Inst Mr Cooper and Mr Pearson from the house of Assembly had delivered to him a Bill entitled an Act to impower some of the Inhabitants of the Counties of Burlington, Gloucester and others to erect and build a draw or swinging Bridge over Coopers Creek in the sd County of Gloucester, And also a Bill entitled an Act for ascertaining what part of Trenton Bridge shall be built rebuilt and repaired by each of the Townships of Notingham & Trenton, wth An Order from that House to the said Two Members to carry the said Two Bills to this House for their Concurrence, which two Bills and Order we [he] had accordingly received from them (this House not being sitting at that Time) and he delivered the same in at the Table and

The said Bills entitled an Act to impower some of the Inhabitants of the County of Burlington &c to build a draw or swinging Bridge over Coopers Creek was read a first Time, and the second reading thereof deferred 'till sufficient proof of the Facts and allegations therein set forth be made to this House.

The Bill entitled an Act For ascertaining what part of Trenton Bridge &c was read a first Time, and the second reading thereof deferred 'till sufficient proof of the Facts and allegations therein set forth be made to this House.

Ordered that the partys concerned have notice to attend in order to be heard on the subject matter of said Bill.

Mr Reading acquainted the House that yesterday the 6th Inst Mr Doughty and Mr Shepherd from the house of Assembly had delivered to him a Bill entitled an Act for naturalizing Ludwick Hadn, Jacob Utz and others with an order from that House to the said Two Members to carry the said Bill to this house for their Concurrence which Bill and order he had accordingly received from them (this House not being sitting at the Time) and he delivered the same in at the Table.

The said Bill was read a first Time and Ordered a second Reading.

A Message from the House of Assembly by Mr Hude and

Mr Cooper desiring to be informed what progress this House had made in the following Bills Viz. The Bill to oblidge the several Sheriffs of this Colony to give security &c sent to the Council 12th October last. The Bill to prevent Actions under fifteen pounds being brought into the Supreme Court of this Colony sent 13th October last. The Bill for laying a duty on Negroe, Indian and Mullato Slaves imported into this Colony sent 15. October last. The Bill for making Current forty thousand pounds in Bills of Credit sent for Concurrence the 22d October last. The Bill for better settling and regulating the Militia of this Colony &c. sent for Concurrence the 26th October last.

Ordered that Mr Hude do acquaint the House of Assembly that on the 25th October last the Bill entitled an Act to oblidge the several Sheriffs of this Colony to give security &c was after a second reading rejected by a Vote of this House. That the Bill entitled an Act to prevent Actions under fifteen pounds being brought in to the Supreme Court was read twice and committed, and the report of the Committee is still under the Consideration of this House That on 26 October last the Bill entitled an Act for laying a duty on Negro, Indian and Mullatto Slaves imported into this Colony was after a second reading rejected by a Vote of this House. That on 1st November instant the Bill entitled an Act for making Current Forty thousand pounds was after a second reading rejected by a Vote of this House. That the Bill entitled an Act for better settling & regulating the Militia of this Colony &c. has been twice read and Committed but is not reported.

The House adjourned to

Thursday Novr 8th 1744.

Present. The Same

Mr Hude reported that he had obeyed the order of this House of yesterday

A message from the House of Assembly by Mr Cooper and

Mr Hude That the Committee of that House appointed to inspect the Treasurer's accompts do also in conjunction with a Committee of the Council inspect and burn the cancell'd money now in the Hands of John Allen Esqre and make report to the House and that Mr Cooper & Mr Hude do inform the Council of this order and desire that House to appoint a Committee for that purpose.

Ordered that the Committe or any two of them formerly appointed to join a Committee of the House of Assembly to inspect the Treasurer's Accompts be a Committee in Conjunction with a Committe of that House to inspect and burn the Cancell'd money now in the Hands of John Allen Esqr and to make report thereof to the House.

Ordered that Mr Smith Do acquaint the House of Assembly thereof.

The Bill intitled an Act for naturalizing Ludwick Haden, Jacob Utz &c. was read a second Time.

Ordered that the Certificate of the persons named in the said Bill their having taken the Oaths and subscribed the Declaration according to Law be laid before the House, before the said Bill be committed.

Then the House continued to

Friday Novr 9th 1744.

Present

John Reading, John Rodman } Esqrs Richard Smith, Edward Antill } Esqrs

James Hude Esqr

Mr Smith acquainted the House that he had obeyed their order of yesterday.

The House continued to

Saturday Novr 10, 1744

Present. The same

The House continued to

Monday Nov^{r} 12, 1744.

Present

John Reading, John Rodman, Rich^{d} Smith } Esq^{rs}

Rob^{t} H. Morris, Edward Antill, James Hude } Esq^{rs}

The proper Certificates of the persons named in the Bill for naturalizing Ludwick Hadn, Jacob Utz and others that having taken the Oaths and Subscribed the Declaration according to Law were laid before the House, and

The said Bill entitled An Act for naturalizing Ludwick Hadn, Jacob Utz, Frederick Tendlespick, Adam Hoeshild Michael Tilheaver, Peter Dosgel Hans Michael Millner Johannes Hoffman, Mathias Henshilt,[1] Johannes Trimmer Adam Bellesfelt Johan William Bellesfelt, Peter Bellesfelt, Johannes Henry Sung[2] Bastian kes Johan Christ Smith Junr, Fielliep Snieder Hendrick Winter, Johann Diel berg Adam Diets[3] Hendrick Diets[3] Mathias Trimmer & Mathias Sharpenstin was read a third Time and on the Question

Resolved that the said Bill do pass

Ordered that M^{r} Speaker do sign the same

Ordered that M^{r} Hude do acquaint the House of Assembly that this House has passed the said Bill without any amendments.

The House having taken into Consideration the amendments made by the Committe on the Bill intitled an Act to prevent Actions under fifteen pounds, The Question was put whether the House agreed to the amendments made to the said Bill.

It pass'd in the Negative

Then the Question being put whether the said Bill be recommitted?

It pass'd in the Negative

A Motion being made and the Question being put whether the said Bill be amended in the House?

It pass'd in the Affirmative

[1] Hanshilt.—*1 Nevill's Laws, 464.* [2] Snug.—*Ib.* [3] Diels.—*Ib.*

And the House having taken said Bill into Consideration and made one amendmen^{t} thereto

Ordered that the said Amendment be engrossed

M^{r} Mott one of the Members of the House of Assembly by order of his Excellency laid the following Letter directed to him and M^{r} Vanbuskirk before the House.

M^{r} Mott & M^{r} Vanbuskirk

Be pleased to Acquaint the Speaker and house of Assembly that I order the Speaker to adjourn the House to meet at Trenton on Wednesday Next at Three o'Clock in the afternoon of the Day, at which Time and place I shall be very ready to hear any thing that honourable House hath to say to me. Be pleased also to let the Gentlemen of the Council know that I have Ordered your Speaker to adjourn Your House to Trenton that the Council may also adjourn and meet at the same place, my ill state of Health being such that I cannot attend them at Burlington.

LEWIS MORRIS

Saturday Novem^{r} 10th 1744.

And accordingly the House continued to Wednesday the 14th Instant to meet at Trenton

Wednesday the 14th Nov^{r} 1744.

The House met at Trenton

Present

The Hon^{ble} John Reading, Rob^{t} H. Morris, John Rodman, Edward Antill } Esq^{rs}

James Hude Esq^{r}

M^{r} Hude reported that according to the order of Monday last he had acquainted the House of Assembly that this House had pass'd the Bill intitled an Act for naturalizing Ludwick Hadn Jacob Utz & others without any Amendments

The House continued 'till tomorrow Morning 10 o'clock

Thursday 15 Nov^{r} 1744

The House met. Present

John Reading, John Rodman } Esq^{rs} Rob^{t} H. Morris, Edward Antill } Esq^{rs}

James Hude Esq^{r}

A Message from the House of Assembly by M^{r} Eaton & M^{r} Spicer requesting of this House to be informed what progress this House had made in the following Bills Viz^{t}

The Bill to prevent Actions under fifteen pounds being brought into the Supreme Court of this Colony.

The Bill for the better settling and regulating the Milita of this Colony &c

The Bill to impower some of the Inhabitants of the Counties of Burlington &c to build a Draw or Swinging Bridge over Cooper's Creek.

The Bill for ascertaining what part of Trenton Bridge shall be built rebuilt and repaired by each of the Townships of Nottingham and Trenton.

The Bills to encourage the destroying Crows Blackbirds &c.

The Bill to repeal part of an Act for preserving of Timber in the Eastern Division of the Colony of New Jersey &c.

The House continued till 3 o'clock in the afternoon

The House met.

Present
as before

The Govern^{r} came to Council Chamber & having by the Sec̄y required the attendance of the House of Assembly

The House attended accordingly and presented the following address to his Excellency.

To his Excellency Lewis Morris Esq^{r} Captain General & Gov^{r} in Chief in & over his Majesty's Province of New Jersey & Territories thereon depending in America, & Vice Admiral in the same

The Humble address of the House of Representatives of the s[d] Colony in General Assembly met.

May it please your Excellency.

The occasion we have at this Time of addressing y[ur] Excellency is upon the Account of a Complaint made to this House on the 25[th] of last month by some of the Freaholders Chosen by the respective Towns & precints in the County of Hunterdon setting forth a grievance in the said County by an illegal proceeding in the choice of a Loan Officer, and praying redress. Whereupon the House Ordered the partys concerned, to attend with their Evidence, when M[r] Speaker by Order of the House demanded of the party complaining, who they complained against were, by Name they answered, John Philips, Benj[n] Rounsaval, Thomas Cadwallader, Nathaniel Ware, Thop[s] Philips Charles Clark, Jasper Smith, Samuel Stout, Cornelius Ringe, Ralp Smith and Ralph Hart, all Justices of the Peace of said County. That these joined by three Freeholders to wit Joseph DeCow, Andrew Smith, and Andrew Read, did on the first of September last take upon themselves to Nominate and choose a Commissioner of the loan office in opposition to a Majority of the Freeholders then present. Eight of the above named Justices and the three Freeholders being also before the House delivered in a Remonstrance signed by the Eight first mentioned Justices wherein they set forth "That they did on the first day of September last meet with so many of the Freeholders as gave their attendance at the Court House at Trenton, and "then did "proceed to the choice of a Commissioner; and Ten Justices "and five Freeholders, having voted for M[r] Read and but "six Freeholders without any one Justice having voted for "Joseph Yard, they did declare Andrew Reed legally chosen."

The House from a tender regard to the welfare of the Inhabitants of this Colony & resolving as much as in them lies to transmit the rights & priviledges with which they have the Honour to be entrusted free & sacred to posterity do look upon themselves indispensably oblidged to declare to your

Excellency that after having made the most necessary disquisition.[1] This House is humbly of Opinion that the said Election so made against the Voice of the Majority of the Freeholders, is contrary to the express words of the Act of Assembly for that purpose and therefore is arbitrary, illegal and in itself void. That the said Justices proceeding therein is manifestly calculated with Views presuming & unwarrantable directly tending to the aggrieving his Majesty's Subjects in that County in particular, and in it's Consequences (without timely interposition) may also affect the People in general by depriving them of their Vote by the Freeholders in the Choice of their loan officers who are by Law appointed Trustees for the receiving and paying the Bills of Credit: For the due payment and sinking whereof all the Freeholders & Inhabitants stand bound as Sureties.

Before we conclude we beg leave further to observe to your Excellency That as the Majority of the Freeholders in each County in Conjunction with three Justices of the Peace have power by virtue of several Acts of Assembly of this Colony to raise money on the Inhabitants for sundry necessary uses mentioned in the said Acts An attempt to deprive them of a Voice in the disposition of their own money is not only a manifest subversion of that priority in the people w^{ch} amongst Englishmen has ever been deemed invaluable, but also what we hope is unnecessary to remark to your Excellency how nearly the Prerogative of the Crown is concerned in a Behaviour of this Nature. That the Justices have an equal right to Act in these affairs, as in that complained of, and that these Consequences are not forced but natural and genuine, we think to Conspicuous to be denyed.

From all which we are induced to become Pet^{rs} to your Excellency. That your Excellency would be pleased to remove the said Justices from the Commission of the Peace, or order such prosecutions against them as you in your Wisdom shall see meet so that it may effectually deter others

[1] Query: Inquisition.

from Acting so apparently Contrary to the express Letter of the Law.

By order of the House
SAMUEL NEVIL, Speaker

To which his Excellency was pleased to make the following Answer.

"Gentlemen

This is an address of an Extraordinary Nature & requires some time to consider of it properly, which I shall take before I say any thing to you on the Subject Matter of it. I have enquired Concerning the Act for making Forty thousand pounds in Bills of Credit Current, that is mentioned in your Notes[1] & am informed there is no such Act in the Office at Burlington I shall direct the Secretary to have the Office (kept in the Eastern Division) to be searched as soon as may be for it and when I have seen it I shall give you my Thoughts on what you have now said to me.

The House Continued till 9 o'clock tomorrow A. M.

Friday Nov^r 16. 1744

Present—as before

The Engrossed amendment made to the Bill entitled an Act to prevent actions under fifteen pounds being brought into the Supreme Court of this Colony was read, and

The Question was put whether the said Bill with the Amendment be read a Third Time.

It was carried in the affirmative

And the said Bill with the Amendment being read a third Time, on the Question whether the said Bill with the amend-mt^s do pass

It was carried in the affirmative

Resolved that the said Bill with the amendment Do pass.

[1] Votes.

Ordered that M^r^ Rodman Do carry the said Bill with the amendm^t^ to the House of Assembly for their Concurrence

Ordered that M^r^ Morris do acquaint the House of Assembly in answer to their Message of the 15^th^ Ins^t^ That the Bill intitled an Act to prevent Actions under fifteen pounds &c. was this day pass'd with one amendment and sent to that House.

That the Bill for better settling and regulating the Militia of this Colony &c. is now under the Consideration of a Committee of the whole House who have made a considerable progress therein

That the Bill to impower some of the Inhabitants of the Countys of Burlington &c. to build draw or Swinging Bridge over Coopers Creek &c

The Bill for ascertaining what part of Trenton Bridge shall be built rebuilt and repaired by each of the Townships of Nottingham and Trenton do affect private property and therefore have ordered that they lie on the Table 'till the partys interested are heard.

That the Bill to encourage the destroying of Crows Blackfriars[1] &c. was received by this House on the third Ins^t^ with a Message from that House importing that they disagreed to the word Monmouth wherever inserted in the amendments made by the Council to the said Bill which Method of disagreeing to a part of one of the amendments is unparliamentary and this house conceives ought to have been done by way of *amendment* to the amendments made by this House And therefore have sent the said Bill with the amendments and the message back to that House for their further Consideration

That the Bill to repeal part of an Act for preserving of Timber in the Eastern Division of the Colony of New Jersey &c was on the 2^d^ Ins^t^ rejected by a Vote of this House.

Ordered that M^r^ Morris do also acquaint the House of Assembly in answer to their message of this day, that this

[1] Manifestly an error for blackbirds. See ante, page 343.

House cannot inform them when they shall have any thing to lay before Them, but they have & shall give all the dispatch to the Bills under their Consideration that the Importance of them will admit.

Then the House continued till

Tuesday morning 10 o'clock

Present

John Reading, John Rodman, Richard Smith, Rob^{t} H. Morris, Edward Antill, James Hude, Esq^{rs}

M^{r} Rodman reported that according to the order of Friday last he had carryed down to the House of Assembly the Bill entitled an Act to prevent Actions under fifteen pounds being brought into the Supreme Court of this Colony with the Amendment made thereto by this house, and delivered the same to the Speaker in the Chair.

M^{r} Morris reported that according to the order of Fryday last He had delivered the message to the House of Assembly.

M^{r} Rodman acquainted the House that on Friday last M^{r} Demarest and M^{r} Young from the House of Assembly had delivered to him the Bill entitled An Act to prevent Actions under fifteen pounds &c. and acquainted him that the House of Assembly disagreed to the amendment made to the said Bill by this House & adhere to the Bill which being taken into Consideration And the Question put, Whether the House adhere to their amendment.

It was carried in the Affirmative

Ordered that M^{r} Rodman do carry the said Bill to the House of Assembly and acquaint them that this House adheres to their amendment.

M^{r} Rodman acquainted the House that on Friday last M^{r} Demarest and M^{r} Young from the House of Assembly

had delivered to him the Bill entitled An Act for to encourage the destroying of Crows &c. And acquainted him that the House of Assembly had made some Amendments to the Amendmt^{s} Made by the Council to the said Bill.

Which Amendments being taken into Consideration and the Quest^{n} put whether this House would agree to the Amendments of the House of Assembly made to the Amendments of this House.

It was carried in the affirmative, Nem. Con.

Ordered that M^{r} Rodman acquaint the House of Assembly therewith

M^{r} Rodman reported that according to the order of this day he had carryed down to the House of Assembly the Bill entitled an Act to prevent Actions under fifteen pounds &c. And acquainted that House that the Council adheres to the Amendment on that Bill and also that he had acquainted the House of Assembly that the Council agrees to the amendment of that House to the Council's amendment on the Bill entitled an Act for to encourage the destroying of Crows &c.

M^{r} Reading from the Committee appointed to join a Committee of the House of Assembly to inspect the Treasurers Accompts and burn the Cancelled money reported the same: which report being read and taken into Consideration And there appearing a Memorandum on the account of John Allen Esq^{r} Treasurer of the Western Division in these words.

"And the said Treasurer has charged the following sums which the Committee are of opinion ought to be allowed when Warrants, are by him produced Viz^{t}

For attending the Court of Oyer and Terminer at Salem &^{c}	£10 „ —
For attending Do. at Hunterdon	10 „ —
For attending Do. at Gloucester	10 „ —
For exchanging ragged and torn Bills	52 „ 5
	£82 „ 5

Which Memorandum this House is of opinion is no part of the Treas[rs] account nor the Articles therein mentioned ripe for a Charge as no Warr[ts] appear to have been Issued for the same pursuant to Act of Assembly and consequently no part of the Business referred to the Committee of this House by the Order of the 31. October last, Therefore the House disagrees to the said Memorandum and every part thereof and approves of the remaining part of the reports which are as follows.

The Committee appointed to examine the Treasurers Accounts having Carefully examined the same Do agree that M[r] John Reading from the s[d] Committee do make the following Report to the House, contained in the following account.

D[r] John Allen Esq[r] Treasurer of the Western Division C[r] of the Province of New Jersey.

Support of Government

	£.	s.	d		£.	s.	d
To arrearages in Burlington County as the same was reported at last settlement in the year 1742	18	8	11	By a Deficiency at last Settlement in the County of Burlington Still unpaid	18	8	11
To Sundry Deficiencys in the Interest Money of the first £40,000 as reported at last Settlement in the Year 1742 in the Countys following viz[t]				By Sundry Deficiencys in the first £40,000 still unpaid by the Countys following viz.			
Hunterdon (since paid to said Treasurer) £22 ,, 3 ,, 7¾				Burlington 13 ,, 7 ,, 2¼			
Burlington 13 ,, 7 ,, 2¼				Cape May 4 ,, 7¾	13	11	10
Cape May ,, 4 ,, 7¾	35	15	5¾	By Sundry Warrants Certificates &c produced and endorsed by order of the Committees as accounted for, amounting in the whole to	2854	5	6
To a Deficiency in the Interest Of the £20-							

000 due at s[d] Settlement from the Estate of James Trent and since received by said Treasurer..... 34 „ 0 „ 0

To the Ballance remaining due in his Hands at last Settlement in the year 1742..... 973 „ 15 „ 8¾

To Interest money payable from the Western Counties for the £20,000 in the Years 1743 & 1744.

Burlington	165	1	3
Gloucester	113	1	10½
Salem	192	18	3
Hunterdon	95	5	0
Cape May	39	9	0

605 „ 15 „ 4½

To Interest money payable from the Western Countys for the £40000 in the Years 1743 & 1744.

Burlington	437	0	0
Gloucester	301	0	0
Salem	510	8	0
Hunterdon	256	0	0
Cape May	106	16	0

1611 „ 4 „ 0

£4278 „ 19 „ 6

To part of £40,000 remaining in said Treasurer's Hands appointed to be Cancelled and destroyed in Bills dated 1724 (if to be found) as the same was reported at last Settlement in 1742 the sum of..... 253 „ 8 „ 9¾

Ballance due in said Treasurers hands.. 1392 „ 13 „ 3

And that the said Treasurer has charged the following Sums which the Committee are of opinion ought to be allowed when Warrants are by him produced, viz.

For attending the Court of Oyer and Terminer at Salem &c.....	£10	0	0
For attending Do at Hunterdon...	10	-	-
For attending Do at Gloucester...	10	-	-
For exchanging ragged and torn Bills.....	52	5	0
	82	5	0

4278 „ 19 „ 6

By Order of the Committees
JOHN READING
JOSEPH COOPER

The said Committees do further agree that Mr John Reading from the said Committees do make the following report to the House, contained in the following accompt.

Dr Andrew Johnston Esqr Treasurer of the Eastern Cr Division of the Province of New Jersey

Support of Government

To Sundry messages[1] in the following Countys as the same was reported at the last Settlemt in 1742, Viz.			By Sundry Deficiencys still outstanding in the foll Countys viz.		
Middlesex.....£18 ,, 18 ,, 5¼			Middlesex..... 18 ,, 18 ,, 5¼		
Do. in 1730.... 25 ,, 0 ,, 0			Do in 1730..... 25 ,, 0 ,, —		
	43 ,, 18 ,, 5¼			43 ,, 15 ,, 5¼	
Somerset.....	18 ,, 3 ,, 0		Somerset.....	18 ,, 3 ,, 0	
To the Ballance due at last Settlement in 1742 from the Estate of Michael Kearny since received by said Treasurer	309 ,, 6 ,, 4¾		By Sundry Deficiencys in the Interest money as reported in 1742 and still outstanding in the following Countys viz		
To the Ballance remaining in his hands at said Settlemt.....	3292 ,, 4 ,, 8		Bergen..... 21 ,, 4 ,, 9¼		
To Sundry Deficiencys in the Interest Money as ℔ Report at sd Settlement Viz.			Essex ..... 72 ,, 6 ,, 5¾		
Bergen..... 21 ,, 4 ,, 9¼			Middlesex ... 38 ,, 12 ,, 7¼		
Essex..... 72 ,, 6 ,, 5¾				132 ,, 3 ,, 10¼	
Middlesex.... 38 ,, 12 ,, 7¼			By Sundry Warrants Certificates &c produced and endorsed by order of the Committees as accounted for, amounting in the whole to the sum		
	132 ,, 3 ,, 10¼		of	2207 ,, 16 ,, 2	
To Interest money payable from the Eastern Countys for the £20,000 in the years 1743 and 1744			Ballance due.....	4026 ,, 7 ,, 11¼	
Bergen ..... 108 ,, 14 ,, 3					
Essex..... 181 ,, 15 ,, 9					
Middlesex... 154 ,, 1 ,, 9					
Monmouth.. 228 ,, 12 ,, 10					
Somerset..... 49 ,, 12 ,, 6					
	722 ,, 17 ,, 1				

[1] Arrearages.

To Interest money payable from the said Countys for the £40000 in the years 1743 and 1744					
Bergen.....	288	12	—		
Essex.....	481	8	—		
Middlesex....	402	12	—		
Monmouth...	603	4	—		
Somerset.....	134	0	—		
				1909 16	0
				£6428 9	5¼

By the Deficiencys of the £40,000 still outstanding					
In Essex.....	7	12	5		
Somerset.....	1	18	7		
				9 11	0
				£6428 9	5¼

To the Deficiencys of the £40,000 as reported in 1742 viz.					
Essex.....	7	12	5		
Somerset.....	1	18	7		
				9 11	0
To the Ballance remaining in the Treasurer's Hands as ℔ Report in 1742 which the then Committees were of opinion ought to be exchanged for Bills dated in 1728, the sum of.....				208 13	6

By order of the Committees

JOHN READING
JOSEPH COOPER

The said Committees being also appointed to inspect and burn the cancelled Bills of Credit, agree that Mr Joseph Cooper make the following Report to the House of General Assembly, viz.

That the Committees find that there should have been Cancelled of the £20,000 in Bills of Credit and brought into the Treasury of the Western Division from the several Countys therein in the Years 1742 1743 and 1744 the following sums viz.

Burlington in each Year.....	£308	„	15	„	0	is £926	„	5 „ 0
Gloucester.....	214	„	7	„	6	„ 643	„	2 „ 6
Salem.....	360	„	5	„	0	„ 1080	„	15 „ 0
Cape May.....	78	„	0	„	0	„ 234	„	0 „ 0
Hunterdon	185	„	0	„	0	„ 555	„	2 „ 6
						Total £3439	„	2 „ 6

That John Allen Esq[r] Treasurer of the Western Division laid before the Committees 21 bundles of Cancelled Bills which were examined & burn'd by the Committees, brought into the Treasury from the several Countys as follows Viz.

Burlington 3 Bundles Containing.....						£926	„	5 „ 0
Gloucester 6						608	„	12 „ 6
Salem 5						1033	„	13 „ 6
Cape May 4						234	„	0 „ 0
Hunterdon 3						555	„	0 „ 0
					In the whole	3357	„	11 „ 0
By which it appears that								
Gloucester is deficient.....	£34	„	10	„	0			
Salem	47	„	1	„	6			
						81	„	11 „ 6
						£3439	„	2 „ 6

That the said Treasurer also laid before the Committees two Bundles of Cancelled ragged and Torn Bills received by him in exchange for New Bills, which ragged Bills were examined and burn'd by the Committees amounting in the whole to £2090 „ 0 „ 0

That the said Treasurer also laid before the Committees one Bundle of Cancelled Bills received by him from the Commissioners of the Loan Office of the County of Hunterdon being so much of the first £40,000 recovered from the Estate of James Trent as ought to have been Cancelled as by

the Report in 1740, which was cancelled pursuant to the opinion of the House By their Votes in 1743, amounting to £128 „ 8 „ 0

Which Bundle was examined & burnt by the Comittees and appears to be the whole that remained uncancelled of the first forty thousand pounds.

By the Commissioners of the Loan Office in the Western Division

By order of the Committees
JOHN READING
JOSEPH COOPER

Then the House Continued till

Wednesday 21st Novemr 1744

Present—as before

Mr Cooper and Mr Young brought up from the House of Assembly the Bill intitled An Act to encourage the destroying of Crows &c. reingrossed with the Amendments Agreed to by both Houses.

Then the House Continued till

Thursday 22d Novr 1744

Present

John Reading, John Rodman } Esqrs Richard Antill, Edward Antill } Esqrs

James Hude Esqrs

Ordered that the reingrossed Bill Entitled An Act to discourage[1] the destroying of Crows &c. with Amendments be read and compared which was done accordingly

Resolved that the Bill do pass

Ordered that the Speaker do sign the same

Whereas Order was given on the 27th this Inst to acquaint the partys Concerned in a Bill now before this House con-

[1] Encourage.

cerning a Bridge between the Townships of Nottingham and Trenton that they might be heard on the Subject Matter of said Bill, which Order this House apprehends was not obeyed the partys not giving attendance according to said order, And this House being willing for the Ease of the partys to hear them on the Subject Matter of said Bill whilst the Sessions continue at Trenton, The Clerk of this House is hereby Ordered to give Notice to the partys that this House has allotted Tuesday the 27th Instant for hearing the partys accordingly by serving them with a copy of this order.

Then the House continued till

Friday 23d Novr 1744

Present—as before

Mr Morris from the Committee of the whole House on the Bill entitled an Act for better settling &c. Reported that the Committee had gone thro' the said Bill & made Sundry Amendments thereto which with leave of the House he read in their places.

On the Question whether the House agrees to the sd Amendmt

It was carried in the affirmative

Ordered that the said Bill with the Amendments be read a Third Time.

The Bill with the amendments being read a Third Time on the Question whether the said Bill with the amendments do pass

It was carried in the affirmative

Resolved that the said Bill do pass

Ordered that the Speaker do sign the same

Ordered that Mr Morris do carry the said Bill with the amendments to the House of Assembly for their Concurrence

Then the House Continued 'till 3 o'Clock P. M.

Friday afternoon 3 o'Clock

Present as before

Mr Morris reported that he had obeyed the order of this House, of this morning

His Excellency the Governour having communicated to this House the Minutes of the House of Assembly of Thursday the 22d inst the same was read and it being the unanimous Opinion of this House that many things therein contained not only do highly reflect on the Conduct and Characters of the Members of this House and are great Infringments of the priviledge thereof, but do also in their Consequences tend to the disquieting the minds of the people and raising Feuds and Dissentions amongst them, and must in their own Nature prove destructive of that Harmony & good understanding which ought always to subsist (and more especially at this time) between the Branches of the Legislature. In order that the same may be taken into Consideration.

Ordered that they be entered in the Books of this House

And they are as follows

The House resolved it self into a Committee of the whole House to further Consider the State of the Publick Affairs of this Colony: after sometime spent therein Mr Speaker resumed the Chair, and Mr Eaton Chairman reported that the Committee had gone thro' the matters to them referred & he was directed to make report thereof when the House will be pleased to receive it.

Ordered that the Report be made immediately; and it was accordingly done and is as follows, Viz.

The Committee having taken the State of Publick Affairs of this Colony under Consideration are come to a resolution to make the following report with the resolves thereupon, to the House, to wit.

That having considered some of the Causes of the several long and almost fruitless Sessions that have frequently happened during the administration of his Excellency our present

Governor, out of a tender regard to the welfare of the Inhabitants thereof, they think themselves under indispensable obligations to represent to the House what in their humble opinion hath contributed to these our unhappy circumstances, and having perused the Votes and proceedings of the several Assemblys as also had information from several Members of this Committee, that were then on those Assemblys: It appears to the Committee that a great deal of Time hath been spent, and pains taken at a large expence to the publick by most of the Assemblys of this Colony at their several Sittings; as also by this present Assembly in their present Sitting, to form and adjust Bills which they conceived essentially necessary for the Benefit and well being of the Inhabitants of this Colony which Bills in the Nature of them could not with any Colour of reason be construed to interfere with his Majesty's prerogative; many of them being but Temporary Bills and others with Clauses suspending their Effects untill his Majesty's royal pleasure should be known concerning them; and all of them as near as the nature of them would admit agreeable to the Laws of England. After all which Caution, pains and expence, We find many of them heretofore so formed, have been rejected by his Excellency, after their having passed both Council and Assembly, of which we find the late Assembly in their address to his Excellency grievously Complaining and therein proposed to his Excellency the passing their Bills previous to their granting the Support of Government, since which (as the Committee conceive) ways have been thought of to influence a majority of the Council to reject the Bills proposed by the Assembly, and they think their Conjecture will not be thought to be groundless when the House will be pleased to consider what number of Bills appears by their own messages on the Minutes of this Assembly to have been rejected by that Board on the second reading, without giving themselves the Trouble of either making amendments thereto, or proposing any conference thereon notwthstanding several of those Bills so rejected, were as the Committee conceived essentially necessary for the purposes afores^{d} and by one of

them provision was made for purchasing a thousand Muskets with Bayonets fixed thereto and a large Quantity of Amunition for the use of the Colony, wth a Clause suspending the effect thereof, untill his Majesty's pleasure was known concerning it.

That there is not nor hath not for several Years past been, as the Committee can be informed more than six or seven persons of his Majestys Council residing in this Colony at any one Time and seldom more than five or six that give their attendance at a Session makes the aforesaid Conjectures still more probable

That our Governour's own Son should be Chief Justice and at the same time one of his Majestys Council in this Colony seems to the Committee inconsistent, and in some Cases may be very prejudicial to the Interest of the Publick: An Instance of which occurs this present Sessions. How unreasonable is it that a Judge of the Supreme Court should sit in Council and there have a Negative on a Bill entitled, An Act to prevent any Action under fifteen pounds being brought into the Supreme Court of this Colony which for the ease of the people is to lessen some of the perquisites claimed by the Judge of that Court? An Act that if it had took place would have been of great Benefit and ease to the Inhabitants of this Colony by preventing their being loaded with large Bills of Costs on the Recovery of Small Debts in that Court and how unhappily may be the Case of those who have or shall have occasion to remove a Cause or Causes from the Supreme Court before the Governour and Council, where perhaps the same Judge that gave Judgment in the Supreme Court may be one of the Gentlemen of the Council to judge of it again in Council?

On the foregoing Consideration the Committee have Come to the following Resolutions, to wit.

Resolved, That it is the opinion of this Committee, that it is inconsistent with that Freedon and priviledge the people of this Colony (by their happy Constitution have a right to

enjoy) that the same person should be Chief Justice at the same Time one of his Majestys Council in this Colony.

Resolved That it is the opinion of this Committee, that there [not] being a greater number of Councilors than Six or Seven to attend the business of the Sessions, is the occasion of great delay and hinderance of the publick Business.

Resolved That as his Majesty is engaged in a War with France and Spain the Committee will propose it to the House to apply the money they have in the Treasury frugally that they may be in the better Condition to assist his Majesty on any emergency.

Resolved, That while Things remain in this Situation the Colony is not in a Condition to support Government so largely as they have done for some years past. Nevertheless this Committee being willing to shew all Duty and Loyalty to his Majesty, as in Gratitude they are bound to do; Do hereby propose to the house to support Government in as honourable a manner as the present Circumstances of things will admit and move that it may be recommended to the Committee on that Bill, to provide accordingly.

And the Question being put whether the House agrees to the Report and Resolves of the Committee thereupon or not, it pass'd in the affirmative

Then the House

Continued till

Tuesday 27 Nov^{r} 1744

Present

John Reading Richard Smith Edward Antill	Esq^{rs}	John Rodman Rob^{t} H. Morris James Hude	Esq^{rs}

M^{r} Demarest and M^{r} Spicer from the House of Assembly brought up the Bill entitled an Act for the better settling and regulating of the Militia &c. with the amendments made to

said Bill by the Council and acquainted this House that the House of Assembly disagreed to the amendments made by the Council to the said Bill and adhered to the Bill

On the Question whether this House adhere to or recede from their amendments.

Resolved that this House adheres to their amendments

Ordered That M^r^ Hude carry down the said Bill with the amendments and acquaint the House of Assembly that the Council adheres to their amendments.

Several of the Inhabitants of Trenton and Nottingham attended according to the order of the 21^st^ Ins^t^

The Inhabitants of Trenton desiring a further Time till tomorrow morning to put their Reasons against the Bill into Writing, it was granted.

Then the House Continued 'till

Wednesday 28^th^ Nov^r^ 1744.

Present

John Reading, John Rodman, Rich^d^ Smith } Esq^rs^

Rob^t^ H. Morris, Edw^d^ Antill, James Hude } Esq^rs^

The Inhabitants of Trenton and Nottingham attended according to leave granted yesterday.

M^r^ Reading acquainted the House that M^r^ Pearson & M^r^ Vanveghten from the House of Assembly delivered to him yesterday a Message with a Bill entitled an Act for the Support of the Government &c. to which they desired the Concurrence of the Council, which said Bill he had received from them (the House Not then Sitting) and delivered it in at the Table, which Bill was Read the first Time and ordered a Second Reading.

M^r^ Hude reported that he had obeyed the order of the House of Yesterday

Then the House continued 'till 3 o'Clock P. M.

Present—as before

Ordered that the Bill entitled an Act for Ascertaining what part of Trenton Bridge &c. be read a Second Time

Then the House continued till

Thursday 29th Novr 1744

Present

John Reading, John Rodman, Richard Smith } Esqrs
Robt H. Morris, Edwd Antill, James Hude } Esqrs

The Bill for ascertaining what part of Trenton Bridge shall be built &c. was read a second time & Committed to Mr Rodman & Mr Hude.

The Bill entitled An Act for the Support of Government was read a Second Time and was committed to a Comee of the whole House

Then the House Continued 'till 3 oClock P. M.

Present—as above

Then the House Continued 'till

Friday 30th Novr 1744

Present

John Reading, John Rodman } Esqrs
Richard Smith, Robt H. Morris } Esqrs
James Hude Esqr

The resolves of the Council sent down to the House of Assembly were read a second time and unanimously agreed to, and are as follows Vizt

"The Council having taken into their Consideration the "Votes and Resolutions of the House of Assembly of the 22d "Instant, which they conceive they ought to look upon as an

"attack on the prerogative of the Crown, And that they do "not only contain very high reflections on the Conduct and "Characters of the Members of this House but are great "Infringement of their priviledges, In their Consequences "tending to disquiet the minds of the people, and raise Feuds "Dissentions and Animosities among them and must in their "own Nature prove distructive of that Harmony and Good "Understanding which ought always to subsist and more "especially at this Time, between the Branches of the Legis-"lature"

"In Justice therefore to the royal prerogative, to the known "rights of his Majesty's Council, to our happy Constitution "and to the Libertys and priviledges of the people of this "Colony, they have unanimously come to the following reso-"lutions

"Resolved

"That it is his Majesty's undoubted right and prerogative "(and Agreeable to the usage of this and the Neighbouring "Colonies) to Appoint any person Chief Justice of this Col-"ony tho' he be one of his Majesty's Council, those Offices "being no way imcompatible, and that his acting in both "those Capacities, Can no way endanger the peoples privi-"ledges or properties since in all Causes determined by him "in the Court below, he is by the Laws of the Land, and a "positive well known Instruction, debarrd as judging of as a "Councillor"

"Resolved

"That the Council being by his Majesty appointed part of "the Legislature of this province, have an undoubted right "to reject any Bill either upon the first, second or third read-"ing, whether the same began in their own House, or was "sent up to them from the House of Assembly; And that the "House of Assembly taking upon them by their votes or "resolves to censure the Council for excercising that right, "is a publick attempt to alter the Constitution"

"Resolved

"That His Majesty has the sole and only power of creating

"Councillors in this province, what number he thinks proper "and when he thinks fit: And that by a delegated power the "Governour can only appoint when the number of Coun- "cillors residing in this province is under Seven, and can "appoint no more than will fill up that Number.

"Resolved

"That the House of Assembly taking on them to assert, "That ways have been thought of to influence a Majority of "the Council to reject the Bills proposed by the Assembly, is "a publick Affront to his Majesty's Council, a proceeding "altogether unprecedented, an Assertion unjust and untrue; "and in its consequences tending to disquiet the Minds of "the people of this Province, to break off the Correspondence "between the Two Houses and to run the Province into Con- "fusion and disorder"

Ordered that Mr Smith do carry the same to the House of Assembly

Then the House continued 'till

Tuesday 4th December 1744.

Present

John Reading, Richard Smith } Esqrs — Robt Hunter Morris, Edward Antill } Esqrs

James Hude Esqr

The House proceeded to the further Consideration of the Votes and resolutions of the House of Assembly of the 22d Novr last, and conceiving their conduct to be highly reflected on by the Votes & resolutions of that day.

Resolved.

That Humble representation be made to his Excellency in Justification of the conduct of this House.

Ordered that Mr Morris and Mr Antill be a Committee to prepare a Representation accordingly

Then the House continued 'till

Wednesday 5th Decr 1744

Present—as above

A Message from the House of Assembly by Mr Pearson and Mr Crane desiring to be informed what progress this House has made in the Bill for the Support of the Government

Then the House continued 'till the afternoon

Wednesday P. M.

Present—as above

A Message from the House of Assembly by Mr Young & Mr Vrieland in answer to a message from the Council on the 30th Novr last was read and is as follows.

Gentlemen.

Upon considering the Resolutions of your Honourable House communicated by your message of the 30th last month: which this House observes with concern, savours too much of Heat and Warmth, from whence we are naturally led the less to admire at those extraordinary random charges you have been pleased to resolve upon which are in their Nature prejudicial to all Publick Concord. And were we allowed freely to speak our Sentiments, we should think them altogether unbecoming the dignity of your honourable Board.

However palatable such proceedings may be to some of your House as they are proceedings of a very high Nature upon the representative body of this Colony, the Truth and foundation of them should have been well considered, otherwise they must prove but fruitless Essays to lessen the well grounded Esteem of our Loyalty; which your honourable House is pleased to sum up in these Copious Words, Viz. "Which they conceive they ought to look upon as an Attack "upon the prerogative of the Crown" which you afterwards branch out into divers particulars with uncommon

conclusions and Epithets, which if true would very sensibly affect us But as we are certain, that instead of having so necessary a foundation to support them they are only upheld by the Creatures of Fancy, and wholy owing to determined over much warmth: a small share of mature Consideration and reflection, must lay the fault at the Right Door; and it is highly injurious to suppose, a Disguise so palpable, should escape the Notice of our Superiours.

Your first resolve that "It is his Majestys undoubted right "& prerogative to appoint any person Chief Justice of this "Colony tho' he be one of his Majesty's Council" Is what "this House never attempted to deny" But that these "Offices are no ways incompatible, or that his acting in both "these Capacities can no ways endanger the peoples priviledges "or properties" Are things which to demand assent, will require More proof than a bare resolve of the present Majority of Your Honourable House. One of the Two Argum^ts^ which this House had before selected and given against it, which has its foundation in reason and the distinguishing Felicity of the established Constitution, and which has occurd in the Course of this present Session You have not by any Demonstrations of reason attempted to answer; which therefore remains as forcible as ever; and as to the other, That "the Laws of the Land, and a possitive and well known instruction" debarrs the Judge from Judging as a Counsellor, of Causes that He had determined below, are things which this House are not able to learn was so well understood before, but they are nevertheless glad to hear the publick Declaration of your Honourable Board thus much in favour of the Laws and that there is such an Instruction so well known to you The Case mentioned however does not terminate here, but is Capable of being Considered in some additional Lights, that is too obvious to need a Description.

Your Second Resolve "That the Council have an undoubted right to "reject any Bill, upon the first, second or third reading" is likewise what this House never attempted to deny: But that the Council should so repeatedly reject our

most valuable Bills, (one of which is become absolutely necessary in relation to Sheriffs, by disregard to the Statutes of England) and thus frustrate the Intention of the power delegated to them by Virtue of his Majesty's Great Seal of Great Britain "a power to Assent unto Laws for the publick Welfare and good Goverment" of this Colony whom we represent, without ever giving us an opportunity to be heard in their favour, is what this House thinks a very great grievance to the Inhabitants of this Colony, and what this House by their resolves were complaining of; if therefore our honest endeavours, evidently independent of any private views must be so unreasonably Construed? tis easy to form a Judgment whose Actions they are that in their own nature tend to destroy "That Harmony and good understanding which "ought always to subsist (and more especially at this Time) "between the Branches of the Legislature" As to the charge of a publick attempt to alter the Constitution, It can be of no weight in the present argument, but if it opperates at all must necessary[ly] retort upon those that have denyed their Assent to those necessary Bills that this House had proposed for the publick Welfare

Your third resolve is likewise what this House never attempted to deny. His Majesty has without all doubt "The "sole and only power of Creating Councillors in this "province" But it does not follow from thence that his Majesty is the Cause of the grievance we complained of. No it is very far from that, for from his Majestys known Candour and Goodness we have the utmost reason to think that if proper representations had been made to him of the situation of Affairs here in that respect, we should long since have the much wanted redress

By your fourth and last resolve, Your hoñble House have assumed the Liberty of Calling that an Assertion in which this House only say "They conceive and conjecture" and then you are pleased to sully it with the Terms unjust and untrue with diverse bad Consequences attending of it; Whereas if you had been pleased to let it stand in the words

this House put it in; it could not have fell under such heavy Censures: But notwithstanding your Transformation, it appears the Thing complained of is done and your house have not denyed it: Therefore (to use the words of his Excellency upon a late similar occasion "Influenced they "were but whether by Men, or what other motives" we did not say Upon the whole Gentlemen, The Resolutions this House came to were, not the Resolutions of Choice, but what absolute Necessity made unavoidable, and give us leave to add that Resolutions like those deliberately formed upon proper motives arising from a sedate carefull Enquiry, and which are the result of publick Beneficent Views are not easily turn'd aside by any indirect, disengenious Efforts.

Integrity becomes this House, and plainess the character of honest Men, which is that we aspire after as we are not consious of having in the least deviated from, or forfeited this Character, much less been guilty of the several harsh Things you have been pleased to say of us. It is a matter of sufficient satisfaction to have thus far acted up to the Trust reposed in us and in pursuance of that, we shall as much as possible avoid answering any more such groundless attacks made upon our Conduct.

Then the House continued till tomorrow at 10 oClock A M.

Thursday 6th December 1744

Present. As before

Ordered that Mr Hude do acquaint the House of Assembly that the Bill intitled an Act for the support of Government &c. was on the 29 Novr last Committed to a Committee of the whole House and still remains under their Consideration

The Committee appointed to draw up a representation to his Excellency reported the same which being read and approved of

Ordered that a fair Draught thereof be made

Then the House continued till 3 o'clock P. M.

Present—as before

Mr Hude reported that he had obeyed the Order of this House of this Morning.

the House continued till

Friday Decr 7th 1744.

Present. As before

A Message from the House of Assembly by Mr Hude and Mr Hancock acquainting this House that they have no Business before them and desiring to be informed if the Council have now or are like to have any thing to lay before that House.

The Clerk having made a fair Copy of the representation it was read and Ordered to be entered on the Minutes of this House

Ordered that the Speaker do sign the same

Ordered that Mr Morris and Mr Antill do wait on his Excellency to inform him that this House have agreed upon a representation to his Excellency and desire to know when and where he will be pleased to receive the same.

The House continued till

Saturday Morning 8th Decr 1744

Present—as before

Mr Morris and Mr Antill reported that they had waited on his Excellency (according to the order of yesterday) who was pleased to say he would be ready to receive the Council's representation immediately

The House accordingly waited on his Excellency & presented the representation which is as follows.[1]

[1] Although this document may be found in N. J. Archives, Vol. VI., 219, it seems proper to reprint it in this connection.

To His Excellency
Lewis Morris, Esq;
Captain General, and Governor in Chief, in and over His Majesty's Province of New Jersey, and Territories thereon depending, in America and Vice-Admiral in the same, &c.

The humble Representation of His Majesty's Council in General Assembly met.

Sir

Having considered the Votes and Resolutions of the House of Assembly of the 22d of November last, which your Excellency was pleased so early to communicate to us; we thought ourselves obliged, by the Duty of our Station, to enter into some Resolves, thereby to assert the Royal Prerogative, which we conceived in some Measure attacked; and to maintain the Rights and Privileges of His Majesty's Council, which we looked upon, by those Votes, to be not only questioned, but greatly infringed: And as the Conduct and Characters of the Members of our House are by them so openly (tho' unjustly) aspersed, we think it incumbent on us to clear up both to His Majesty, to whom alone we look upon ourselves to be accountable, by assigning the Reasons of our Conduct, so loudly complained of this Sessions; and we doubt not His Majesty, and His Ministers, will very readily discover the Injustice and Unreasonableness of the Complaints and Aspersions contained in those extraordinary Votes, which were founded on the Council's having rejected some Bills sent up to them by the House of Assembly this Sessions, which they are pleased to say are essentially necessary for the Benefit and Well-being of the Inhabitants of this Colony; but as the Council differed in opinion with them concerning the Nature and Tendency of most of those Bills, we come now to declare what the genuine Reasons were for rejecting of them; and, for Brevity's sake, shall transiently point out some Instances, wherein we conceive the Gentlemen of the Assembly have unhappily mistaken, at this time, the true Interest of His Majesty, the Security and

Defence of this His Colony, and the real Well-being of His People, whom they now represent.

The first Bill rejected by the Council, was a Bill intituled, *An Act to oblige the several Sheriffs of this Colony to give Security, &c.* This Bill, in the year 1738 (when the first Sessions of General Assembly was held under your Excellency's Administration) took its Rise in the Council, was drawn by one of their Members, and cost the Publick no Treasure, nor the Assembly any Pains; nor did the Drawing of it occasion any Delay in the Business then before the Council, and was sent down to the House of Assembly for their Concurrence. The Assembly then did, and ever since have added a Clause, whereby no Sheriff was to continue in that office longer than three Years, and was not to be admitted into that office again in less than three Years after his Removal.[1] To this Amendment of the Bill the Council could not agree, 1. Because then every good Sheriff in the Province must be removed from an office, which, when well filled, must be of great Benefit and Security to the People. 2. Because, if that must be the Situation of Sheriffs, no Man of Substance or Employment, by which he could tolerably maintain himself or Family, would accept of the office; and to trust necessitous Men would be imprudent, since their Poverty might tempt them to do many Things that might be oppressive and dangerous to the People. 3. Because, by that Means, scarce one Sheriff in ten could be supposed to be acquainted with either his County, or the Duties of his Station.

Had the Council amended the Bill, by taking away that Clause, they had abundant Reason to believe, that they might as well reject the Bill itself, since many of the Members of the present Assembly, when Members of former Assemblies, have more than once declared, as well at Conferences, as at other Times, that they never would pass the Bill without that Clause; what secret Reasons they may have for such a Resolution, are best Known to themselves, but they

[1] In 1875 this provision was inserted in the Constitution of New Jersey.

never yet have offered any that could convince the Council of the Necessity or Conveniency of such a Clause, nor any but what the Council conceive they have sufficiently answered and confuted; and, what is more, have proposed other Methods more expedient, and more effectual for the Ends proposed by it; but all to no Purpose; that Clause must take Place, or the Bill must be lost. Thus this has been the unhappy Rock on which that Bill, so full freighted with many Advantages and Benefits to the People, has so often split.

The next Bill rejected by the Council, was, *A Bill for laying a Duty on Indian, Negroe and Mollatto Slaves, imported into this Colony.*

This Bill the Council considered abstractedly from any Instructions your Excellency has in relation to the African Company, which many of the Gentlemen of the Assembly we suppose are not unacquainted with, and only weighed the Advantages and Disadvantages that would arise to the People of this Colony upon that Bill's passing into a Law. By that Bill was plainly intended an intire Prohibition of all Slaves being imported from foreign Parts, no less than a Duty of Ten Pounds being imposed on all grown Slaves imported from the West-Indies, and Five Pounds on all those directly imported from Africa. Upon the most mature Consideration the Council were of Opinion, that if that Bill, or any other Bill, discouraging the Importation of Slaves, should at this time pass into a Law, the People of this Province in general (a few Labourers only excepted) and the Farmers in particular, would be great Sufferers by it, and that for the following Reasons.

1. It is well Known, that a great Number of Labourers went out of this Province on the late Expedition to the West-Indies, and that very few of them have returned; That many, for some Time past, have been going, and still are going, on the Privateering Account; by which Means Labourers Wages are become very high, and the Farmers, Trading-Men and Tradesmen, are greatly straitened for want of Labourers to carry on their Business.

2. It is also well Known, that since the Manufacture of Linnens has arrived to any tolerable Perfection in *Ireland*, we have had very few Servants or Labourers from that Island, and have no Reason to expect many for the Time to come.

3. The present War throughout the German Dominions, and between almost all the Powers on the Continent of *Europe*, give us Reason to expect no Assistance from that Quarter. And as our Sovereign is deeply engaged in a War with many powerful Princes, we have as little Reason to expect any Number of Servants from the Island of *Great-Britain*. Wherefore we conceive, that it would be more for the Interest of the People of this Colony to encourage at this Time the Importation of Slaves, than by a Law to prohibit them altogether, and therefore we rejected that Bill.

The third Bill rejected by the Council, was, *A Bill for making current Forty Thousand Pounds in Bills of Credit*. The Preamble to this Bill was specious indeed, by which the House of Assembly no doubt designed to perswade the Council, that they intended to apply Part of the Money towards building a House for the Governor to live in, another for the Council and Assembly to sit in, with proper offices for the Secretary, and for preserving the Records of the Province; but as the Actions, not the Expressions, of Men, are the truest Touchstone, by which their Sincerity is to be discovered, so enacting Clauses, and not Preambles, must declare the Intention of, and give Force to, Laws. Indeed in the Acts of Parliament of *Great-Britain*, where the Legislative Body is above mean Arts and low Subterfuges in the grand and Solemn Affair of making Laws, we find the Preambles plain and honest Declarations of the Necessity, Conveniency and Design, of them, and excellent Introductions to the right understanding of them. But as by no one Clause of that Bill any Provision was made, nor any Money appropriated to the Carrying on and completing those Buildings, which every Body here must own are very Necessary; so we could

not look upon that Preamble but as a mere artful, tho' unskilful Pretence, by which that Bill was to be ushered into the World, in order to receive the Sanction of a Law.

By a Clause in that Bill indeed Provision was made for purchasing a thousand Arms, with Bayonets fitted thereto, Twenty-five Barrels of Powder, and five Tons of Lead, for the Use of the Province; but as the Addition of a few Arms and Ammunition, when put into the Hands of unskillful Men, would contribute very little towards the Security of the People; and as there was no Hopes of obtaining from the present House of Assembly an Act any ways effectual for the necessary Regulation of the Militia of this Colony, the Council was well assured, that the People, by the Method proposed, would purchase those Stores at much too dear a Rate.

If the Gentlemen of the Assembly thought those Arms and Ammunition absolutely necessary for the Security and Defence of their Country; and since they complain so loudly in their Votes and Resolves, of the Disappointment occasioned by the Council's rejecting the Bill whereby such Provision was made; why have they not applied Part of the Money, now lying dead in the Treasury, to that Purpose? But no, that would not serve the Turn, that would not procure the Forty Thousand Pounds. Besides, the House of Assembly ought to be more frugal of their Money than that comes to; they cannot part with that choice Treasure at so cheap a Rate, as the preserving of the Lives, Liberties and Fortunes of their Countrymen; They must Keep that for the Use of His Majesty, when on any Emergency he shall stand in need of it; It is not to be thrown away upon the Support of His Government, on the Defence of His Colony, and of His faithful and loyal People of *New-Jersey*. Is this a well timed Frugality? Can any Pretence of assisting His Majesty be urged as a reasonable Excuse for not supporting His Government, or for not applying the publick Money for the Preservation of His Colony, and of His Subjects here?

Surely not; yet such has been the Pretence, the Excuse and Conduct, of the present Assembly.

By the Body of this Bill it plainly appeared, that the Assembly designed to go on with raising of Money for the publick Use in the usual Way by the Loans of Bills of Credit; a Method, as we conceive, unequal and unreasonable, and fatal to the People in general, and to the Merchant and Trader in particular, in all its Consequences; which will clearly appear from the following Considerations.

1. By this Method the Rich, who ought to contribute most towards the publick Expence, do not contribute one Farthing towards it.

2. The Distressed, and People involved in Debt, are the Chief, if not the only Persons, who by this Method bear the Burden of that Expence; and tho' it may be said, that it is an Act of their own Choice, and that they are no ways compelled so to do, yet, by Experience, it is well Known, that such a Method of letting out Money by the Publick is a great Temptation to unthinking People, who, in order to extricate themselves out of some present Difficulties, have plunged themselves into much greater, out of which neither they, nor perhaps their Children, will be able to recover; these, and these chiefly, are the People who call so loudly for fresh Supplies, and should their Desires be gratified, we have great Reason to apprehend, that still greater Numbers would fall into the same unhappy Circumstances, and therefore think it high time to put a stop to so growing an Evil.

3. The fluctuating Nature of a Paper Currency lays the Merchant and Trader under very great disadvantages; for after they have sold their goods at a moderate Advantage (for which it is generally two Years after they receive their Pay) they are always Losers in Proportion to the sinking Credit of such a Currency, and that Credit is ever lowest when great Sums of the like Currency are issued; and it is plain and obvious to every Man that Knows any thing of Trade, that Gold and Silver have all along continued to rise in Value ever since a Paper Currency first took Place; in Consequence of

which, the Exchange between this and Great-Britain has risen to a very great Heighth, and should the Method be continued of emitting such large Sums of Bills of Credit, which, to the Body Politick, is like cold Water to a Man in a high Fever, the more is given, still the more is called for, Trade (without which we cannot well subsist) would be undone, the Merchant ruined, and the People in general brought into great Distress. Besides, should the Bill, now depending in Parliament, which has been communicated to the House of Assembly as well as to this House, pass into a Law, which we have great Reason to expect, if any Judgment may be formed from His Majesty's late Instructions to His Governor, or the strict Enquiry that has been made by both Houses of Parliament into the Nature and Circumstances of such a Currency, the opinion of the Lords of Trade upon that Head, and the Credit of the Gentlemen who brought that Bill into the House of Commons, it would effectually prevent the Bills of Credit, now proposed to be struck, being a Tender in any Payment: Wherefore, it would have been a great Damage to the People of this Province should the Bill proposed have passed into a Law; and therefore we thought it our Duty to reject it.

The next Bill rejected by the Council, was, *A Bill to repeal Part of an Act made for the Preservation of Timber in the Eastern Division of this Colony, and passed the second of* December, 1743, *but was not to be in Force till some time in* July *last past;* which not exceeding three or four Months at most, the Council were of opinion, that no tolerable Judgment could be formed from any Experience that could be had in so short a Time, of the good or bad Effects, of such a Law: Besides, the Repeal being intended only for the County of *Essex*, the Council were of opinion, that as the greatest Body of Timber is to be found in the Counties adjoining to the County of Essex, so it would be no difficult Matter to carry the Timber from those Counties into the County of *Essex*, from whence it might be transported; therefore, if that Bill had taken Place, it had, in Effect,

repealed the whole Law, for which Reasons the Council rejected that Bill.

These are all the Bills that have been rejected by the Council at this Time.

As to the Bill *to prevent Actions under Fifteen Pounds being brought into the Supream Court*, that was amended by the Council, and made the same as the Law now stands (excepting only in the Case of double Costs upon Writs of Error) which Law the House of Assembly, in the Preamble to their Bill, do say, is found, by Experience, to be of great Benefit to the People, if so, how the People came to be deprived of that Benefit, will appear by the Votes of their House, where it will be found, that the Bill not only dropped with them, but that the Majority of that House were against conferring with the Council upon it.

The Council cannot in Silence pass over, at this Time, the surprizing Conduct of the House of Assembly in relation to the Militia Bill. The People of this Colony are not at present in a Condition or Capacity of building such Fortifications as would prevent an Enemy from landing on their Coasts, and have no other Way of defending themselves than by a well regulated Militia; yet such has been the Conduct of the House of Assembly at this Time, that they have denied the People the only Means in their Power of preserving themselves, their Wives, their Children, and their Fortunes, from becoming an easy Prey to the first Invader.

That the Law for the better Regulation of the Militia of this Province at this Time is absolutely necessary, stands confessed by the Title and Preamble to their own Bill sent up this Sessions to the Council: Yet notwithstanding, whoever will consider the Bill itself, and compare it with the Law now in being, must confess, that the latter, lame as it is, is much more effectual for that Purpose.—It is very possible there may be some Defects in the Amendments made by the Council to their Bill; if they have discovered any, was it not their Business, their indispensable Duty, to supply those Defects, and to do every thing in their Power to make the

Bill effectual? Is not this the usual, the only Method, whereby all Bills are brought to Perfection? Can that House any ways excuse themselves for not pursuing that Method in an Affair of that Importance, that concerns no less than the Lives, Liberties and Fortunes, of their Countrymen, nay, and their Religion too? Is not this the grand Affair, the chief Thing needful at this Time, upon which they have so often been called together, and which the House of Assembly are under solemn Engagements and publick Promises to go through with and compleat? Instead of which that House have disagreed to the Alterations made by the Council to that Bill, and have even declined having any Consultation or Conference with the Council upon it. And, on the other hand, which is a very extraordinary Step, and without any Precedent but their own, and, as we conceive, unparliamentary, they have ordered the Amendments made by the Council to be printed, in order to expose whatever Defects may appear in these Amendments, and to have it once more in their Power to impose on the weak Minds of those well meaning People, who have been so unhappy as to choose such Men to be their Representatives.

But tho' this Step, taken by the Assembly, is wrong, and unworthy the Dignity of a House of Assembly, yet it gives us this Satisfaction, that thereby they plainly discover their own Designs, and as plainly prove to every Man that has common Sense enough to know what his real Interest and Security in this case is, that the Council have been the true Patrons and Friends of the People on this Occasion. Some People, perhaps, may imagine, that by the Method proposed by the Council, the Militia would be put under a stricter Discipline than is necessary, and that it would occasion a needless Expence to the People, by forming one Troop of Horse out of every Regiment; but if such People would consider, that unless a Militia be well disciplined, and under good Regulation, they never will be able to make any tolerable Defence; and as our Sea-coast, as well as the Land on the Back of us, is very extensive, and as we cannot know what Part of it an

Enemy may enter or land at, every Man, that knows any thing, must know, that Troops of Horse are absolutely necessary on such an Occasion, who, by being able to march much faster than Foot Companies can, may oppose and distress the Enemy till the Foot Companies can be brought up to their Assistance, by which Means many hundred Families in such a Part of the Province may be preserved from Ruin. Since then no one can tell where the first Blow may be struck; since Troops of Horse are most fit to hinder the Progress of an Enemy; since it is for the Peoples own sakes that such are proposed; since such a Discipline can only be designed for the Preservation of the People, their Liberties and Estates, and was to be at an End as soon as Peace is proclaimed; and since these are the only Means in our Power for our Defence, such Troops, and such a Discipline, must be looked upon as absolutely necessary at this Time.

Upon the whole, we beg Leave to observe to your Excellency, that as we have throughout this Representation preserved an honest Sincerity, and the strictest Truth; of which, from your own Knowledge of Things, and of our past Conduct, we persuade ourselves your Excellency will make no Doubt; so we conceive that we have just Reason to apprehend, from the past and present Conduct of the House of Assembly, that this second Rejecting of the Bill for making current 40,000*l.* by the Council, has been the chief Cause (we heartily wish it were the only Spring) of these unhappy, these ill-timed Differences. We are sensible, Sir, nay, we are well assured, that many People in this Colony, who have taken the Publick Money, will for some Time be distressed by paying of it in again; but all that we can say, as a Branch of the Legislature, is, that we heartily pity their Condition; but we cannot, in Justice to our Country, and to the Trust reposed in us by His Majesty, redress a private Misfortune at the Expence of the publick Weal.

But why the Government should not, at this Time, be supported in as ample a Manner as it has been at any Time before, we own we are at a Loss to know, seeing there is now

in the two Treasurers Hands, of the Interest Money arising from the Loans of this Province, which, by the Laws that gave it Being, is absolutely appropriated to the Support of Government, a Sum sufficient to support it for at least three Years to come; the House of Assembly having notwithstanding lessened your Excellency's Salary one Half, reduced that of the Chief Justice to one Fourth, and cramped all the rest of the Officers of the Government, let their Pretences be what they will, must convince the World, that they do intend, by such a Conduct, to compel your Excellency and the Council to fall in with their Measures; but we trust, that neither your Excellency, nor the Council, will prostitute the Trust reposed in you and them by His Majesty.

The Assembly indeed, by their Votes and Resolves, pretend a Necessity of being frugal of their Money (as they are pleased to term it) in order to be able to assist His Majesty in case of Necessity; but we are well assured, that His Majesty would be much better pleased with their supporting His Government in the usual Manner, with their putting His Colony in a proper Posture of Defence, and with their preserving Peace, Unanimity, and a good Understanding among His People here, than with any trifling Sum they are able to assist His Majesty with at this Time.

What Lengths the Gentlemen of the Assembly might have gone upon this Occasion, were it not for a noble Stand made by some worthy and more Knowing Members of that House, we shall not take upon us at this time to say; we are willing to impute their present Conduct to a mistaken Zeal, and their Want of a necessary Knowledge of the true Boundaries that divide the distinct Parts of which our happy Constitution is composed, that is, the three Branches of the Legislature; and we still live in Hopes, that when they come to know how essentially necessary every Part, when confined to the proper limits of its own Power, is to the Preservation and Well-being of the Whole, they will alter their present Measures, and heartily join with us in procuring to ourselves and the

People, for whom we act, many salutary Laws, productive of Wealth, Peace, and lasting Happiness.

As we can, from the Tranquillity of our Minds, assure your Excellency, that we have acted every Part with strict Honour in Defence of His Majesty's Prerogative for the Preservation of our happy Constitution, and in Support of the true Liberties, Privileges, and real Well-being of the People of this Colony; so we humbly pray, that your Excellency will lay this our humble Representation at His Majesty's Feet, where we doubt not it will meet with a Treatment worthy the Known Justice of our Royal Master.

By Order of the House,

JOHN READING, Speaker.

The End.

Proceedings of Council for the Province of New Jersey at a Sessions of the General Assembly of the said Province, begun and holden at Perth Amboy, Friday April the 5th Anno Dom. 1745.

The Council met.

Present The Hon^{ble} John Hamilton
James Alexander
John Rodman
Rob^{t} Hunter Morris
} Esquires

His Excellency came into Council and having Commanded the Attendance of the House of Assembly,[1] they presented Samuel Nevill Esq^{r} as their Speaker;

[1] The fifteenth Assembly was thus constituted: *Perth Amboy*—Samuel Nevill, Pontius Stelle; *Middlesex*—John Heard, John Morris; *Monmouth*—John Eaton, Robert Lawrence; *Essex*—John Crane, John Low; *Somerset*—J. Van Middleswart, Hendrick Fisher; *Bergen*—Lawrence Van Buskirk, David Demarest; *Burlington City*—Richard Smith, Daniel Smith; *Burlington*—William Cook, Samuel Wright; *Gloucester*—Joseph Cooper, Ebenezer Hopkins; *Salem*—William Hancock, John Brick, Jr.; *Cape May*—Aaron Leaming, Jr., Jacob Spicer; *Hunterdon*—William

His Excellency was pleas'd to approve of their Choice, and made y^e^ following Speech to both Houses.

Gentlemen of the Council & Assembly

When we last met at this place, I entertained hopes that the Issue of that meeting would prove of General benefit and Satisfaction to the Inhabitants of this Province; And that the Harmony and Agreement that seem'd then beginning to exist between the Branches of the Legislature wo'd be effectually promoted, and produce the good effects that naturally flow from such a concord.—The Gentlemen of the then Assembly, in their Address to me, acknowledged, that what I had said to the Assembly before, that met at Burlington, to Show the necessity of putting this Colony into as good a posture of Defence as we could do, and Concerning the Defects of the present Militia Act, for that purpose was publick, and that what I had said should have its proper and due weight with every Member of their House. And they did Assure me, that their house would always chearfully do their Duty, and provide for the necessary Expenses that might be occasioned by the legal calling together the Forces of this Province, or any part of them, for the repelling an Enemy, or quelling any Insurrection, or Rebellion or for the Assistance of our Neighbours, or upon any other necessary Occasion whatsoever.

They solemnly said, and as I believed truly, that they met together at that time, with hearty and sincere Intentions to do all in their power that was necessary for the publick good and happiness of the Inhabitants of this Colony, or conducive to it, and that with no more day [delay] than needful.

These (Assurances) they hoped would make what they had to ask, admit of the most favourable construction: And further said, that Considering what they had said to me, They

Mott, Daniel Doughty.—*N. J. Hist. Soc. Proc.*, May, 1850. Messrs. Stelle, Heard, Morris, Low, Fisher, Daniel Smith, Wright, Hopkins, Brick and Leaming, ten in all, were new members. Morris died in the ensuing August, and Thomas Farmar, a former member, was elected to the vacancy. Most of the new members were opposed to the Governor.

therefore became Petitioners to me, to order them to Adjourn for a Month or five weeks, at which time they might make Provision for the Support of the Government &c And said that they would on their parts heartily and Sincerely endeavour to promote that Harmony & good Agreement among the Branches of the Legislature so necessary for the publick good, and shew themselves not unworthy any Favor I wo'd please to indulge them with.

Tho' what was then recommended to them was not only necessary to be done, and required the greatest Dispatch that the nature & Circumstances of things would admit of: Yet considering what they had said, as promises made and intended by them, as Motives to induce me to grant what they requested, upon what I believ'd the sincerity of their Intentions of effectually going through with what I thought they had so readily entered upon & firmly resolved to take into their Consideration at their next meeting; And that then they would, as they said, they might, Provide for the Support of the Goverment I was induced to adjourn their meeting to a farther Time. This I told them at the time of giving them leave to adjourn pursuant to their petition, and on these Conditions, proposed by themselves, they were adjourn'd and I doubted not that at their next meeting they would, as they had promised, heartily and sincerely on their parts, endeavour to promote that Harmony & good agreement among the Branches of the Legislature, which they then owned to be necessary for the publick good, and would, as they had promised, have shewn themselves not unworthy of any favour granted them.

I wish I could truly say, that any of these engagements had been effectually complied with; How far they have been attempted, and what hearty & sincere endeavours have been used by the Petitioners on their part, to promote that harmony among the Branches of the Legislature so necessary for the publick good, will best, and with most certainty appear from the votes, and Resolutions of that House, entred into their Journals and made publick by their order.

The necessity of putting this Province into as good a

posture of defence as we could do, seems to me self evident; And if we have any regard for the safety of the Inhabitants of it and their posterity, is what we are Obliged to do, The Defects of the present Militia Act, for that purpose is not unknown; and that the security of this Province, and preservation of His Majesties Government over it, greatly depends upon the Militia being put into such methods as may make the same most useful for the Defence thereof, was own'd in the words above by the last Assembly put in the Preamble of the Militia Bill propos'd by them.

If the present Militia Act had been sufficient for that purpose, there was no necessity for making a New one; And therefore an Endeavour to make one is a Concession, at least of that part of the Legislature of the necessity of doing it.

The same necessity still remains, and will remain until it be done; And therefore, since it has been Confess'd in so solemn a manner, as the Inserting it in the Preamble of a Bill, that the Security of this Province and Preservation of his Majestys Government over it does greatly depend upon the doing of it, I hope you will heartily set about it, And if the Members of this Honourable Board, and your House, will both heartily and sincerely Endeavour to promote that Harmony between you that is necessary for the publick good to be cultivated and by all means improv'd, I shall not dispair of seeing the good effects of it, for the Benefit of Your Country.

The Bill for making Forty thousand pounds current in Bills of Credit, however necessary or convenient that Assembly conceiv'd to be, Yet I think was not very prudent for them to Attempt, before they had known the success of a Bill intended to be brought into Parliament, with relation to the Currency of Paper Bills of Credit in the plantations, a copy of which, as appears, by their Votes, had been communicated to them; Nor was the Opinion that House was pleas'd to give concerning that Bill Viz, *That if the said Bill, or any Bill of that Tendency, should pass into a Law, it would not only be an Encroachment upon the fundamental*

constitution of this Colony, and the Concessions made to the First Settlers thereof by His Majestys Royal Ancestors, but also Destructive of the Liberties and properties of his Majestys Subjects now Inhabitants of the same;[1] So prudent as might have been expected from the Sagacity of the Representatives of a Province.

I believe I have much longer known the fundamental Constitution of this Province, and the Concessions made to the first Letters[2] of it, either by the Crown or the Proprietors than the greatest part of that House, and do not remember that I ever heard of, or Saw anything amongst them, that related directly or indirectly to a paper Currency, But if any such thing had been granted in the most express Terms, a British Parliament can abolish any Constitution in the Plantations that they deem inconvenient or disadvantagious to the Trade of the Nation, or otherwise, without being said to encroach, all Encroachments being in their own nature, Supposed to be illegal, which could not be said of an Act of a British Parliament with any Decency, by any persons that understood what they said.

As I thought it imprudent to propose such a bill at that Time, so I was concern'd to see the difference that arose between the Council and that House on that Head and others, and the great length it was carried to, And that Instead of using any Endeavours to promote that Harmony and agreement allowed to be so necessary for the publick good, every proposal that had a Tendency to promote it, or most likely to effect it, seem'd [to] be studiously avoided, and Discord and Dissatisfaction prov'd, as it was most likely it would, the Consequence of such a Conduct

If men would give themselves leave to be govern'd by that portion of Reason that falls to the share of every one; not an Ideot, and not suffer themselves to be hurried away by the Impetuosity of their blind passions, they could scarcely

[1] The Speaker of the New York Assembly expressed to that body substantially the same opinion of the proposed bill.—*N. Y. Col. Docs., VI., 643.* So had the Pennsylvania Assembly.—*Penn. Col. Records, IV., 752.*

[2] Settlers?

avoid seeing, that in such a Legislature as ours is, consisting of parts, that each part has an undoubted right to dissent to anything propos'd by the other, if it appears unreasonable to the part or person to whom it is propos'd, however necessary or convenient the proposer may conceive it to be, and that without being censur'd for doing so, or compell'd to assent to any Method but that of Reason and Argument; If that fails, the proposal ought to be deferr'd to some more favourable opportunity, when what the Proposer calls Reason and Argument, may possibly have a greater Influence. To use any other means of Compulsion, is not acting the part of reasonable men, but of something else; and I believe none that endeavour it would themselves like the being compell'd by any other way than that of Reason, however well they may be pleas'd with prevailing over others by a different Method: But when men grow angry, reason is laid aside and passions assumes the Rule, which forces those under its Government into Actions that when they come to themselves, they ought rather to be ashamed of, than persist in, especially when the Public becomes a Sufferer by their Warmth.

The Council might refuse or Assent to Bills propoſs'd by the Assembly, for reasons they judged Sufficient to justifye their Conduct; as the Assembly might to those propos'd by the Council, for Reasons in their Opinion very cogent; And when the Reasons on both sides become publick, every one that Sees them will be able to form some Judgment which of them are right. But what Relation the Council's refusing to assent to a Bill has to the support of the Government, or why the Councils not assenting to a Bill, should be a reason for not Supporting y^{e} Governm^{t} even if that Support was to be raised upon the people, I confess I do not see; But as you all know the Government here is not Supported by a Tax upon the people, but paid by the poor and necessitous part of them out of an Interest arising on Bills of Credit lent, which the Crown consented to give them leave to make at the earnest Request of the Inhabitants, to enable them the better to Support the Government, and it is made Solely for and appro-

priated to that use; So that all the Assembly, or Council Either, has to do with it, is to agree upon the Quantum yearly to be apply[d] to that purpose; But not applying any of it to that purpose, or so small a quantity, as was well known would never be agreed to, which is the same thing as making no Provision at all; is not Answering the Intent of the law, nor of the Crown, who had never permitted it to be made but on the Assurance that y[e] Government should be certainly supported. I add to this, the Petitions from the President and Council, the Speaker and some Members of Assembly, and the Grand Jury, to his Majesty for a separate Governor from that of New York; in which after saying that they humbly conceived the great value of the Government of New York, beyond that of New Jersey, induced the Governor of both to preferr that to this for his almost constant Residence, they tell his Majesty (to induce him to grant their Petition) That the Inhabitants of this Province are equally willing and Able to support a distinct Governor, with divers of the Neighbouring Colonies who enjoy that Benefit under his Majesty: This was a renewal of the Assurances to Support his Government; And the Peticons being granted, his Majesty has much reason to expect a punctual Compliance with those Assurances then given to induce him to do it. This has never been done so fully as necessary, there being no Incidents allowed as formerly (which has made it expensive to me) an Account of some of which shall be laid before you) nor no provision for the meeting of the Council at any time, but at the meeting of the Legislature, tho' their meeting is absolutely necessary on many Occasions, and will be most particularly so in Time of War.

This necessary Provision for incidents tho' formerly constantly made has since your having a separate Governor, been as constantly omitted notwithstanding the Assurances given in those Petitions to his Majesty; and to repeat the matter, tho' there be in the Treasury at this Time Money enough, or rather paper enough, to Support the Government for three years to come, and more daily coming in, rais'd for and ap-

propriated to y^e^ Support of it, the Government is now intirely left without any support.

This shews at once both the Ability of the Inhabitants, and how willing their Representatives have been to make good their Engagement, and may be one of the Methods chosen by the last House of Representatives, to shew themselves not unworthy of what they then esteem'd a favour granted them; But whether the not Supporting the Government in a due & handsome Manner with the Money they had leave to make for that very purpose be a suitable return for that favour, or the most likely Method to induce his Majesty to grant them favours of that or any other kind, those of them, who can give themselves leave to think calmly may, without much difficulty, determine.

Why the Government is not Supported, appears very plainly from the Preamble which Ushers in the Report of the Committee, appointed to consider the State of the Publick affairs, and the Resolutions of the House upon it, to lessen the usual Support; and consists chiefly of two parts, tho' very confusedly blended together, Viz one that relates more particularly to myself, the other that relates to the Gentlemen of the Council joyntly with me; And are offered and published in their Votes, as Reasons to justify their Conduct to the Populace in that particular, as well as to secure their own Re-election in case of a Dissolution, which their Conduct gave them reason to expect.

As to what relates to myself, they say, that a great deal of Time has been spent and much pains taken, at a very large Expence, by most of the Assemblies of this Colony, as also by the present Assembly, to form and Adjust Bills which they conceivd essentially necessary to the well being of the Inhabitants, which in the nature of them could not, with any reason, be Construed to interfere with his Majestys Prerogative, many of them being but temporary Bills others with Clauses Suspending their Effects till his Majesty's pleasure should be known; and all of them as near as the Nature of them would admit agreeable to the Laws of England; after

all which Caution, pains and expence, they found many of them heretofore so formed have been rejected by his Excellency, after their having passed both Council and Assembly, of which we find the late Assembly in their Address to his Excellency grievously complaining, and therein Proposed to his Excellency the passing their Bills previous to the granting the support of the Government; This is what directly relates to yourself; What follows, more directly relates to the Council, but has also, as I take it, some relation to me, and is as follows, Viz Since which (as the Committee conceive) ways have been thought of, to influence the Majority of the Council to reject the Bills proposed by the Assembly; and they think their Conjecture not groundless, because it appears what number of them have been rejected on the Second Reading, and one of them that made provision for purchasing One Thousand Muskets &c

These are the main of their Reasons for not Supporting the Government, to which there are two added to make them appear Numerous, Viz, 1st That there is but Six or seven Councellors residing in the Province, and Seldom more than five or Six of these Seven give their Attendance at a Session 2ndly That the Governor's son is Chief Justice and one of the Council, which seems to them to be inconsistent, and may, in some cases, be prejudicial

I find the Gentlemen were displeased because I refused my Assent to some of the Bills passed by Council and Assembly; or, to use their own words, I rejected many of their Bills formed with Caution, Pains and Expense after they had passed both Council and Assembly; and for that reason, with the others above mentioned, did not Support the Government, That they were less able than formerly to do it, doth, by the Money now in the Treasury for that purpose, evidently appear not to be true; and their pretence of saving money to serve his Majesty on any Emergency, Shews how hard they were put to it, to find a Colour for the Neglect of their Duty.

Had the Gentlemen thought fit to mention the many Bills

they say, I had rejected, with the Reasons I gave at the Time for doing it, and shewn the weakness of them (tho' my Conduct in those Cases has been approv'd of by both my Superiors and theirs) did I think myself accountable to them or to you for refusing my Assent to any Bills propos'd by the Assembly, I should have been able to have spoken more fully to it; but before I say any thing more on this head, I desire you to take notice and fix it well in your Memory, that his Majesty, by his Letters Patent under the great seal, has appointed me Governor of this Province, that it is by virtue of these Letters Pattent, we meet to make Laws; That Bills pass[d] by either the Council, and sent to the Assembly for their Concurrence; or by the Assembly and sent to the Council for their's, may be rejected by either Council or Assembly, without giving any Reasons for their doing so; or each may make such Alterations to them as either of them think proper; and however necessary or convenient one part of the Legislature might conceive such Bill to be, the other part might Conceive it to be neither necessary nor Convenient, but pernicious and of dangerous Consequence. These parts of the Legislature are Checks upon each other, with intent to prevent the passing of any Bill that may be prejudical to the people or Destructive of his Majestys Authority and Government

That by virtue of these Letters Patent the Governor has a Negative Voice, and no Bill passed by Council and Assembly can Obtain the Force of a Law without his Assent, which he may refuse to give if he thinks fit, and for doing so, he is not Accountable to Council nor Assembly, nor Oblig'd to give either of them any Reasons why he refuses his Assent.

This is known to all, has been the constant practice since this Government came into the hands of the Crown, and is so in all the Kings Governments agreeable to the Practice in England; This being well fixt in your Memory, the Reasons for denying the support of the Government amounts to this, that while the Government subsist in its present form, the Governor by refusing his Assent to Bills passed by Council,

has done what he had a right to do, and what it may be Supposed he thought it his Duty to do; and the Council in rejecting their Bills, have done what they had a right to do, and what the Assembly in their Answer to the Resolves of the Council Own they have a Right to do; But notwithstanding that, they do not think fit to Support a Government, Where the Governor & Council have such Rights, and assign their Acting pursuant to such rights (as it is agreed on all hands they have) as Reasons for their not supporting the Government; and by their printed votes, make an Appeal to the Populace to determine in the Case at least, if not to abet them in doing what they have done.

The Kings of England have from time immemorial, refused their Assent to many Bills passed [by] both Lords and Commons, without Assigning any Reason for their doing so, and so have the Lords to Bills pass'd by the Commons, tho' perhaps not so often; And if it be lawful to compare small things with great, Should the House of Commons deny to Support the Government, and assign these refusals as a Reason for their Denyal as is done here, and Appeal to the populace upon it, or in an Address, propose to the King to pass their Bills previous to their granting the Support of Government, could it bear a milder construction than an Attempt to alter the Constitution? and is it less so here?

I believ'd with some Reason, that the House was asham'd of that rediculous proposal of passing their Bills previous to their granting the Support of Government, and was willing for their sakes to forget it, and let it drop into that Oblivion it deserv'd; but since the late House had thought fit to mention it on the particular occasion they have done, I shall say a few words to it, And First, It is well known to all, and to themselves in particular, that the money in the Treasury is appointed for the support of Government and appropriated to that purpose, and all that they have to do in it, is to agree wth the Council and myself [as] to what Quantity of it should be applied to that use, and the Council could with equal propriety have made the same proposal to pass their Bills, that

is, the Bills of the Proposers previous to their granting the Support; I thought that what I had said when y^e^ proposal was made, and the Bills I then passed, left no room for a Second mention of it, but since they have done it on the Occasion they did, and thereby seem to insinuate to the Populace, that my passing their Bills, is a Condition on my part to be Complied with before they will agree to the support of the Government, I take leave to say, that w^t^ they call a Proposal I esteem a most unmannerly Threat that they would not Support the Government at all unless I pass'd all their bills before they did it and then would Support it as they thought fit, To which I say, that I will assent to none of the Bills pass'd by the Assembly, unless first assented to by the Council and I approve of them; But not even then, if I think such Bill not very necessary, unless Sufficient provision be made for the support of the Government previous to the passing any Bill by me. And this, Gentlemen, I desire you to take notice of, and Govern yourselves in this case as you shall think proper

I do not remember to have said anything to any of the Council concerning any Bill before them, either during the sitting of the last Assembly, or at any other Time, They sit and Act by themselves without any [my] being amongst them, or endeavouring to influence them any way, as they have always done since I came to the Government, which they all of them can, and I suppose [will] very readily declare. That they have been influenced to reject several of the Bills sent up by that Assembly, and even their favourite one of making current Forty Thousand pounds in Bills of Credit, their rejecting of them shews; And their Representation to me to be laid before his Majesty, shews also what influenc'd them to do as they did; I too, have not been without my thoughts how to influence the late Assembly to consent to a handsome Settlement for the support of the Government; but I Confess, and the late Proceedings shews, it was to as little purpose as if I had no thought at all.

That the Number of residing Councillors for some time

has not been more than Seven, has not been unknown to the Ministry, and his Majᵗʸ may compleat the full Number of twelve, when he judges it proper to do it but I cannot: If five or six out of Seven have attended it is as many as could well be Expected and perhaps if compleated, there may not be many more even at a Session of Assembly.

A Chief Justice being of the Council has been and is a very common thing, both in this and the Neighbouring Provinces; Nor are these Offices incompatible, as the Gentlemen of the Council have clearly enough shewn. The late Assembly in their Message in answer to the Resolves of that Board, allow that a Chief Justice may be of the Council; but say, the Resolves of that Board is not of sufficient Authority to shew that the Offices are not incompatible; and referr to what they had said before on his having a Negative on the Bill to prevent any Action under Fifteen pounds being brought into the Supreme Court, as an Argument founded in Nature, How his voting in that Bill (if he did vote) affects any Judgment given in a Court below by himself I do not see; nor do I well understand what is meant in this place, by a Negative on a Bill. By the Councils Representation it appears, that the Council amended the Bill to make it the same as the Law then stood (excepting only in the Case of double costs upon Writs of Error) and it was droped with the Assembly who were against conferring with the Council upon it. If so, it was themselves that had, and gave the Negative to their own Bill, and Chose to be without it rather than agree to the Council's Amendments, or conferr with them about it: But if I am rightly inform'd they choose to forget that the Assembly, who passed that Act were so Sensible that an Act of that kind would very much impair the perquisites of that Office, and tended to render that Court, which is the great Guardian of the Liberties and properties of the People, and the just Prerogative of the Crown contemptible: That they increased the Sallary of that Office, tho' soon after the Act was obtained they took away the Sallary Added, and more; so that had the Chief Justice negativ'd the Act (as it

doth not appear that he did) it was no more than what was reasonably expected from him; or indeed from any man whether Councillor or Assembly man, that has a true regard for himself and his Country, whose Interest it is, to raise that Court as much above contempt and render the Judges of it as independent (consistent wth the Laws) as they may: But this Negative, or Voting or whatever else y^{u} will please to call it, doth not shew any incompatibility or inconsistency between the Office of a Judge and that of a Councellor, or person impowered to vote in the making of Laws, nor never was understood so: For, not to Multiply Instances, such of the Judges as are Peers, Vote in the House of Lords; the Master of the Rolls in the House of Commons; I myself have been a Judge many years and in the Assembly there;[1] M^{r} Bonnel has voted in Assembly here; and the Judges, that have been Councellors have all voted in Council both here and in New York from the first Settlement of the Country. And would it not Seem Strange that this incompatibility or inconsistency should never be discovered either in England or in America, till hit upon by our late Sagacious Assembly, tho' founded in Nature? Our Late Assembly in their Message in Answer, Say, That the Laws "of the Land, and a "well known Instruction, debars the Judge from judging as "a Councellor of Courses[2] that he had determined below, are "things which that House was not able to learn, was so well "understood before. They might possibly be ignorant of an Instruction, tho' known to most other people; but is it very probable they could be so much Strangers to the Laws of their own Country as not to know, that by an Act of the 12th and 13th of Q. Anne for preventing Corruption in the Courts of Justice; which not only extends all the Laws of England, wherein provision is made against the taking of Bribes &c or any Male-Administrations of Judges &c but enacts that any judge determining a cause in an Inferior Court, is not to set in Judgment on the same Cause in the Superior Court, under the penalty of Forty pound.

[1] In New York. [2] Causes.

If the Chief Justices being a Councellor was inconsistent with the Office of Chief Justice (as it seems plain from the Constant practice ever since this Province had a being that it was not, nor ever thought to be so) it might not have been improper to have Address'd for the Removal of him from one of them; but could be no Reason to deny the support of the Government, by which many persons will be Sufferers no way concernd in making or unmaking the Chief Justice or refusing an Assent to Bills whether passed by Council or Assembly or both. As I am and shall be the greatest Sufferer in this case, so I cannot accuse myself of having done anything that deserv'd so harsh a Treatment Nor do I believe the late Assembly could or you can; and if it was done with an intent to compel me to pass such Bills as should be passed by Council and Assembly, whether I approved of them or not, and to let me and the Government in England see, that unless their Governors do assent to such Bills they will not support that Government. I leave you to Judge with the Coolness requisite on such an Occasion, how unlikely it is that such a Method of Compultion should obtain the End intended by it, or prevail upon his Majesty to alter the Form and Constitution of his Government and take from his Governor that Negative voice he is pleased to intrust him with, and what effects is most likely to be the Consequence of such an imprudent Attempt if persisted in.

The publick Good is what we all ought sincerely to endeavour, and to do everything in our power conducive to it and should we differ concerning the Means of promoting it, A mutual Condescension and Calm debate, are the most likely Methods to prove successful in procuring that Benefit to us, which Angry and too warm Contentions will most Certainly prevent, and render every endeavour to obtain it ineffectual.

The putting the Province into as good a posture of Defence as we can do, is necessary; And the Support of the Government is a Duty which should be effectually perform'd; and I hope all Concern'd will think so, and agree in the best manner of doing it.

I have some time Since receiv'd from his Excellency Governor Shirly the scheme of [an] Expedition against our Enemies, which I shall lay before you, and if it proves successfull, will be attended with very Advantageous Consequences to all the Northern Plantations. I therefore hope that you will give all the Encouragements to it in your power with as little loss of Time as may be

LEWIS MORRIS

His Excellency left the Council Chamber and the House Continued till

Wednesday the 10th day of April 1745

Present { John Hamilton, John Radman[1], Richard Smith, Robt Hunter Morris } Esqrs

Mr Hamilton laid before the House a Letter from John Reading Esquire, desiring leave to be absent the forepart of this Sessions, on account of urgent business, and Acquainting them, that on Notice given him, he wo'd give his Attendance if health permitted.

The House Continued till Saturday the 13th of April 1745

Present { John Hamilton, John Radman, Richard Smith, Robt Hunter Morris } Esqrs

The House Continued till Tuesday the 23d April 1745

Present as before.

Mr Smith acquainted the House that on the 18th of April Instant Mr Crane and Mr Spicer from the House of Assembly had deliver'd to him a Bill entituled an Act for better Settling and Regulating the Militia of this Colony of New Jersey for the Repelling Invasions and Suppressing Insurrections and Rebellions with an Order from that House to the said two Members to carry the said Bill to the Council for their

[1] Rodman.

Concurrence which Bill and Order he had receiv'd from them (this House not being Sitting at the time) and delivered the same in at the Table.

There not being a sufficient Number of Councellors attending to proceed on Business.—Ordered, that the Clerk do write pressing Letters to the Members of this Board, who have not attended, to inform them, that their immediate attendance is necessary.

The House Continued Till Wednesday the 1st day of May 1745

Present { John Hamilton, Robt H. Morris, John Radman, Richard Smith, Edward Antill } Esqrs

Mr Hamilton acquainted the House that Mr Crane & Mr Spicer on the 30th of April last had deliver'd to him a Message from the House of Assembly which Message he had receiv'd (this House not being Sitting at the time) and he delivered the same in at the Table and it is as follows. April the 30th Ordered that Mr Crane and Mr Spicer do wait on the Council and acquaint them that this House desires to be inform'd what progress that House had made in the Bill for better settling & regulating the Militia sent to them for Concurrence on the 18th instant Thos Bartow Clk

Mr Cooper and Mr Low from the House of Assembly brought up a Bill Entituled an Act for the Support of the Government, which was read the first time and Ordered a second Reading

The Bill Entituled an Act for better settling & regulating the Militia of this Colony &c was read the first time & Order'd a second Reading.

The House Continued till Thursday the 2d day of May 1745

Present { John Hamilton, Robt H. Morris, John Radman, Richard Smith, Edward Antill } Esqrs

The Bill Entituled An Act for better settling & regulating the Militia &c was read a Second time & Committed to the Gentlemen of the Council or any three of them

The House Continued till 3 of the Clock afternoon

Present as above

His Excellency came into Council & Commanded the Secretary to acquaint the House of Assembly that he was ready to receive their Address.[1]

Samuel Nevil Esqr their Speaker Declared, That as a Servant of the Representative Body of New Jersey he was Ordered and had signed an Address to his Excellency, And beg'd leave to inform him & the Council that he dissented from it, but as the Mouth of the General Assembly he thought himself oblig'd to deliver, and Delivered it accordingly; And it is as follows.

To His Excellency Lewis Morris Esqr Captain General & Governor in Chief, in and over His Majestys Province of New Jersey, and Territories thereon Depending in America, and Vice Admiral in the same &c

May it please your Excellency

We His Majestys dutiful and Loyal Subjects, the Representatives of the Colony of New Jersey, beg leave to Address your Excellency with that Freedom and Sincerity the Nature of this Occasion we have of doing it requires. As this is the first time of our Meeting since our being elected to represent the people of this Colony in this Assembly, we thought ourselves entitled to your Excellencys favourable Opinion, and that you would have spoke to us as to the New Assembly, who are not accountable for the proceedings of the former.

And as we met sincerely disposed to avoid every thing that had the least Tendency to nourish or Continue those unhappy

[1] This address was adopted April 18th. The Governor heard of it and sent for it, that he might read it before it was presented to him. The House refused to part with the original until it had been printed in their minutes, which was not until May 2d.—*Minutes, passim.*

Controversies that not long since Subsisted Between the Branches of the Legislature; so we entertained Hopes that the Issue of this Meeting would prove Beneficial to the Inhabitants of this Colony.

It would have given us the greatest Pleasure to have found your Excellency had, in Conformity to a like Pacifick Disposition, avoided repeating those fruitless Disputes and Controversies which Subsisted between the other two Branches of the Legislature.

We humbly conceive (tho' we don't take upon us to direct) that if what your Excellency hath said on those heads, had been necessary, it would have Been more proper to have said it to them, concerned in transacting those Affairs, and given them an Opportunity of Answering for themselves which we are informed they would readily have done.

And as we cannot think ourselves accountable for the Transactions of former Assemblies, further than their proceedings are necessary to be vindicated for the Good of the Colony, neither can we believe that Our King intended, or that our Country ever expected that we should be called together, to enter into unnecessary Disputes with any other Branch of the Legislature.

We are Sensible that putting this Colony into as good a posture of Defence as our Circumstances will admit of, is necessary, and have already pass'd a Bill for that purpose. This we apprehend, is one of the Bills your Excellency thinks very necessary.

The Bill for making Forty Thousand pounds current in Bills of Credit, was passed by the last Assembly, with a Clause suspending the effect thereof until his Majesty's Pleasure should be known concerning it, and was therefore but in the Nature of a Petition to the King and could not anyways be affected by the Bill brought into Parliament, nor any other Bill farther than his Majesty thought fit. And as this Colony had receiv'd repeated Favours of a like Kind from his Majesty, their Representatives had therefore no reason to doubt, but that had their Bill met with no greater

Obstruction from the other Branches of the Legislature here, than it would have met with from his Majesty and his Ministers at Home, it might have surmounted them all.

What your Excellency is pleased to observe relating to the Imprudence of the last Assembly, in the Opinion they gave concerning the Bill intended, to be brought into Parliament, was in relation to the Clause in that Bill, a Copy of which we find in the hands of our Clerk, and is as follows: "And "whereas some of his Majesty's said Colonies or Plantations, "particularly those under Proprietors and Charters, have not "paid a due regard and Obedience to his Majesty's Royal "Orders and Instructions, from time to time issued for the "better Government thereof, but have assumed to themselves, "an Exemption from, and power of dispensing with or not "obeying the same, under pretence of such Charters, or of "his Majesty's Royal Grant to such Proprietors respectively. "Wherefore for the better enforcing the due Execution of the "Royal Orders and Instructions throughout all the British "Colonies and Plantations in America, Be it enacted by the "Authority aforesaid, That all Governors Councills and "Assemblies, and every of them, and all Lieutenant Gover- "nors and other person or persons presiding as Governor "within any of the said Colonies or Plantations, as well as "those under Charters and Proprietors as under his Majesty's "immediate Commission and Government do, and they and "every of them are hereby enjoyned and required to pay "strict Obedience to such Orders or Instructions as Shall from "time to time be transmitted to them or any of them, by his "Majesty or his Successors, or by or under his or their "Authority, And that all and every Acts, Orders, Votes or "Resolutions, which shall or may hereafter be passed or made "within any of the said Colonies or Plantations, contrary to "such Orders or Instructions, shall be, and are hereby de- "clared to be[1] any Law,

[1] This blank is referred to, though, perhaps, not satisfactorily, hereafter. See pages 426, 430–432.

"Custom, or Usage to the contrary in anywise not[with] "standing."

We are inform'd by the Members that were then on that Assembly, that it was this part of that Bill they gave that opinion upon, and not that relating to a paper Money.

It is with Concern that we find the proceedings of Former Assemblies so often repeated by your Excellency; And altho' we decline to account for every particular of what they transacted, yet we cannot help remarking, the pains your Excellency hath taken to undervalue and explode some of their proceedings.

We confess that Former Assemblies, as well as the present, have been chiefly composed of Farmers and Plowmen, from whom could hardly be expected such Courtly Addresses or explicit Reasons, as men of a more Polite Education and perhaps less sincerity, might be capable of performing. But as Plainess and Truth are Companions, we are well content in their Company. Their Proceedings will be the best understood from their Journals, and we are Willing to Judge of their Conduct from thence, where we cannot be informed that any of the Assemblies of New Jersey were such Ideots that could not see, "that our Legislature consisted of parts "that each part has an undoubted Right to dissent to any-"thing proposed by the other, if it appears unreasonable to "the part or person to whom it is proposed however necessary "or Convenient the proposer may conceive it to be, and that "without being censur'd for doing so, or Compelled to assent "by any Method but that of Reason and Argument." This is a part of our Constitution well known and approv'd of by us, And this method appears to have been pursued by former Assemblies.

We cannot yet be convinc'd but that an Assembly may complain for want of good and Beneficial Laws, when they know that his Majesty hath been graciously pleased to delegate a Power to the Governor and Council for the passing of such after they have Supported the Government in a very liberal Manner for six years Successively, and done every Thing as

they conceivd necessary on their parts to entitle themselves to those favours without justly incurring the heavy Censure of an Attempt to Alter the Constitution.

The Assemblies and People of New Jersey, have ever been well disposed and Zealous Defenders of the present Establishment; and we Flatter ourselves that nothing can be more Conspicuous than this, from every Act and part of their Conduct. On this Occasion permit us to declare ourselves well pleased and fully Satisfied with our Constitution in all its parts. We acknowledge King George, our most Gracious Sovereign on the Throne The Father of his People, to whom we owe and are determined to pay all Duty and Loyalty. We have liberty by our Constitution to Act freely & speak freely, while we do it with Decency and good manners, These bounds we cannot be Convinced that the former Assembly have transgressed, neither will we knowingly. This valuable Priviledge we Esteem so essentially necessary to a free Government, that the security of property and Freedom of Speech always go together.

We are of a Nation famed for its Liberty: With Liberty, Knowledge will encrease, and altho' but a small Portion of it may fall to our share, with that we are as happy as we are Content, and by it we are taught that we are as fit to use our own understandings in the Conducting our Humane Affairs as they are whose reasonings we cannot be Convinced is better than our own. The acting by our own Judgment is such a valuable part of our Liberty contain'd in our Constitution, we have just now transcribed from yo^{r} Excellency's Speech, that we hope it will always be promoted and protected by You.

Notwithstanding the Complaints made by your Excellency respecting the Support of the Government, we are well informed, that all the Engagements this Colony came under, have been, in the Opinion of its Inhabitants, honourably complyed with, particularly, since we have had a separate Governor.

The incidental charges of this Government your Excellency is pleased to mention to us, have not, as we can be inform'd,

at any time been Omitted; But all such Charges as have come to the knowledge of the Assemblies, and by them been thought reasonable to be paid, have Constantly been provided for under the Denomination of contingent Charges, and included in the Acts for Support of Government. When your Excellency shall be pleased to lay the accounts of any before this House, they will always have their due weight with us.

Why the Government hath not been Supported for the present year Your Excellency may have the best information from the Gentlemen of the Council. We find that a Bill for that purpose was passed by the last House of Assembly at Trenton, and Sent Up to that Board for Concurrence from whence we Conclude, that the House of Assembly had no occasion to offer those Reasons your Excellency mentions for not Supporting the Government; Neither do we understand them in the same Light with your Excell^{cy} to be offered directly as Such. Had they Actually done so, we are perswaded your Excellency hath known such things done before that Time, without incurring the heavy Construction you are pleased to put on it.

Some of our Members have made a Calculation of what money is now in the Treasury, and when the publick Debts due from the Colony are paid out of it, they think it will fall far short of your Excellencys Expectation. And as our Money is yearly Sinking and destroyed, so the Interest money to be paid into the Treasury for the future, is annually growing less and the Charges of the Colony encreasing upon us without any Probability of a supply, which Reasons ought to have their weight with all Concern'd, and those in particular that may think our Application too frugal; And they Should further consider (be the Sum less or more) the House of Assembly have a Voice in the Application of that Money, And that as His Majesty hath been graciously pleased to allow them such a voice by the Act that makes it Current, without doubt that it should be as free to all Intents and purposes as a voice on any other Bill. And your Excellency hath told

us, and we have assented to it, that each part of the Legislature "has an undoubted Right to dissent to anything pro-"posed by the other, if it appears unreasonable to the part "or person to whom it is propos'd however necessary or con-"venient the proposer may conceive it to be, and that with-"out being Censur'd for doing so, or Compelled to assent by "any Method but that of Reason and Argument."

We shall do our Duty in Applying such part of the Money as we judge necessary for the Support of the Government at this Time; and if it should not be so Satisfactory to all Concern'd in receiving it as they could desire, we hope we shall escape their Censure, and others will know it to be no new thing if we are Censur'd by them; it is a Misfortune that former Assemblies have been Obliged, in the Discharge of their Trust to Submit to. Judicious and impartial men will Consider the Reasons why things are thus amongst us, and not condemn our Conduct unheard; and when they have fully informed themselves, we leave it to them to determine from which Branch of the Legislature the real Cause proceeds that conduc'd most to the lessening the support of the Government the last Session.

As we met your Excellency at this Time determined, as in Duty to his Majesty we are bound to Support his Government, so we entertain'd hopes, that we might at least have been encouraged to proceed in preparing some Bills we think very necessary and much wanted by the people whom we represent. But since your Excellency hath been pleased to assure us that you will assent to none of the Bills passed by the Assembly, unless first Assented to by the Council and you approved of them; But not even then, if you think such Bill not very necessary, unless a sufficient Provision be made for the Support of Governm^{t} previous to the passing any Bill by you; And this you have recommended to our particular Notice to govern ourselves accordingly. It gives us some Concern to be thus almost peremptorily precluded from Proposing such Bills as we should think very necessary: But we know this is a power [your] Excellency can make use of to Check our

Proceedings. We shall therefore, According to your Prescription, "deferr such Bills untill some more favourable Opportunity, when Reason and Argument may have a greater Influence.

We never heard of any Assembly in New Jersey so ignorant as to desire their Governor to pass any Bill but what had first been assented to by the Council; nor are we fond of meritting the Character of such Ideots as to expect our Laws to be of any Effect without our Governor's Assent: And whatever knowledge we may be destitute of, we have learnt to expect but very little Success in Obtaining of Laws for the Benefit of our Constituents, whilst we are assur'd that one of our most Beneficial ones (obtain'd under the Administration of Governor Cosby, and confirmed by his Majesty) is perverted by the Hunterdon Justices with Impunity.

We are the third Assembly your Excellency hath met with in these Ten months last past, from which we have learnt rather to expect Dissolutions than Laws; The Minutes of their several proceedings have been made publick, by which their Conduct hath been known both to your Excellency and to the People; and by their Choice you may be capable of forming a Judgment how well it hath been approved of by them And as we are well acquainted with their Inclination, and they repos'd a Trust in us to Act agreeable thereunto, we are therefore determined not to deceive them: And we hope that your Excellency will not take it amiss that we are so.

We have agreed with your Excellency in all those parts of our Constitution which we have had occasion to mention; We have agreed with you in the Method of Proceeding according to that Constitution; And we Agree with your Excellency that the Publick Good is what we all ought sincerely to endeavour and do everything in our power conducive to it, that a mutual Condescention and Calm Debate are the most likely method to prove Successful And it would have given us a greater pleasure, could we (consistent with our Judgment and Trust) have agreed as well with your Excel-

lency upon everything it Concerns us to promote and proceed on.

What your Excellency has said relating to the scheme of an Expedition against our Enemies, is now under Our Consideration and shall have its due weight with us

By order of the House

SAMUEL NEVILL Speaker

To which His Excellency was pleased to make the following Answer.

Mr Speaker and Gentlemen of the Assembly

I Believe it was with Concern that you heard so large mention made of the Proceedings of the Late Assembly, and tho' you decline to account for every particular of their Conduct, no part of which I think, can with any shew of Reason be justified, either by Plowmen and Farmers, (as you are pleased to call yourselves) or by men of Superior Talents than what generally are possessed by Plowmen; and I hope the Concern you had at the mentioning of what you all know to be true, will prevail upon you to use a different Conduct from that so justly blameable in them. This will be much for your Reputation, and likely to be productive of the publick Good, if you come sincerely dispos'd to avoid every thing that hath the least Tendency to nourish or Continue those Controversies, that imprudently and unprovoked by me, was raised and industriously promoted by your Predecessors in the late Assembly.

You say their proceedings will be best understood from their Journals, and that you are willing to judge of their Conduct from thence. I joyn with you, that their proceedings are best known from their Journals, and that both you and all that know what they were, can best judge from thence of them: And by these it will appear that the late Assembly did Address and promise, as I have set forth in my speech to them, that they did petition to be adjourn'd to Burlington, that this Petition was granted, that they did esteem, or said

they esteem'd, the granting of that Petition as a Favour, and how punctually they complied with the Engagements and promises they made in their Address to me; It will appear by those Journals, that unprovoked by me (I having said nothing to them On any Head before the Time of their Dissolution) they declined supporting the Government in the usual manner, and proposed the Allowing only of less than half of what had been usually done, which they knew the Council could not agree to without rendring the Government Contemptible and therefore would not: It will appear by those Journals, that the Reasons given by the Committee and approv' of by the House, for doing this, was, That I had formerly refused my Assent to some Bills passed by both Council and Assembly; that the Assembly before that had grievously complained of it, and proposed the passing of their Bills previous to the Granting (as they call it) any Support for the Government. It will appear by the Journals of that grievously complaining or proposing (or rather threatening) Assembly, (tho' the late Assembly did not think it proper to take any notice of it) that in answer to what they call a proposal, I said to them much the same in substance with what I have said to you, Viz "That "his Majesty, by his Letters Patent under the Great Seal had "been graciously pleased to intrust me with the Government "of this Province, and by these to appoint me one of the "Branches of the Legislature here, and as such, where I had "the power of Assenting, or denying my Assent to Bills, I "was and ought to be as free as any other part of the Legis-"lature and to be governed by my own Reason, and not by "that of of any other person or persons whatsoever; and "when a Bill was offered for my Assent that I conceived "myself impowered (consistent with my Trust) to Assent "unto, and that I judged beneficial for the publick I should "readily assent to such a Bill, whether they passed a Bill to "Support the Goverment or did not pass it, That on the "Contrary, if my Assent was desired to a Bill that I conceiv'd "inconsistent with my Trust to assent unto, or prejudicial to

"the Publick, I should think my Duty to Deny my Assent "to it, tho' they would pass, or had passed a Bill to support "the Government in the most ample manner." It will appear from the Journals of that Time; that I had passed all, or the greatest part of the Acts, sent up by that proposing, threatning Assembly; and did notwithstanding I had done everything in my power (as I told them in my letter to them) to prevent Dissatisfaction and Discontent in any part of the Legislature, to the End that the then Sessions of Assembly might end to the great satisfaction of all Concerned, and prove a good Foundation for the Future Tranquility of the Province, which I was not with out hopes that it would do. Yet some were not wanting in that House who strenously endeavour'd to embarrass the Public affairs, and to raise and foment Differences purely for the sake of quarrelling, and that could have no Tendency to promote the publick good, but on the Contrary to raise Differences and Disputes. They finding that one of the Circuit Court had not been held in Monmouth, they influenced that Assembly to Assign the Reason of that Neglect to the Chief Justice's being a Member of the Council, and another Judg's being a Member of their house, who, they say, could not attend to hold that Court, without a Breach of the Trust reposed in Them as Members of the Legislature; With a View (as may be gathered from what was said by the late Assembly, by way of Answer to the Council's Resolves) to shew the Inconsistency of Judges being in Council or Assembly, from a Reason founded in Nature. And tho' they well knew there was another Judge that could and should have Attended that Service, yet they did not think it proper to say anything to, or of him who neglected to attend, but proceed to punish the Chief Justice, by taking from that Officer One hundred pounds of his yearly Salary, tho' Fifty pounds of this had been given him in Consideration that the Act forbidding causes under fifteen pounds to be brought in the Supreme Court, would be an abating of the

Profits of that Office, equal (at least) to the Fifty pounds so given.

It will appear also by the Journals of that House and Time, that after I had granted them almost every thing they had desired, and in particular passed an Act for ascertaining the Fees of the Several Officers &c but (as agreed) with a suspending Clause, that neither that Act nor any part of it should be in Force till his Majesty's Pleasure was known, that they were Dissatisfied with the passing this Act with this Suspending Clause, tho' they had agreed to pass it in that manner, and Accordingly they proceeded to Vote and give their Opinion, that as it had the Approbation of the three Branches of the Legislature here, it ought to be taken as a Rule by the Judges, and all Concerned, to govern themselves by, until His Majesty's Pleasure should be known Concerning the same; And this they did notwithstanding they all well knew that it had the Approbation of the Legislature here, only on Condition, that neither the Act nor any part of it should be in force, or taken by the Judges, or anybody else, as a Rule to govern themselves by, before his Majesty had signified his Pleasure concerning it; And Notwithstanding they had given this Opinion, and ordered the Act to be printed as a Rule for the Government of the People, before his Majesty had assented to it, and before it was, or could be transmitted to his Majesty, in order to know his Pleasure Concerning it; And notwithstanding they had publickly own'd that the Act was not in Force till the Kings Pleasure was known concerning it, yet upon my proposing some Questions to the House, which in these Journals referred to are Publick, Concerning an Opinion and Order so Contrary to that Law, so concerning which this Opinion was given and order made, so unwarrantable in itself, and so contrary to the Known Constitution of this Government, Yet I say, upon my proposing these Questions two off which were, viz. Quest. 7 "By what authority do you order an Act not in Force to "be printed as a Rule for the Government of the People? or "indeed any Act? Ques. 8. If you have or pretend to have

"any such Authority, let me know from whence you derive "it, and how you came by it, That his Majesty may be in- "formed of it?" To these I required a direct and Categorical answer, as I ought to have done in that case from men, who had assumed to themselves An Authority they were no ways entitled to: Yet that House did not think fit at all to recede from this unwarrantable Authority they had assumed to themselves; or to make Answer to any of the Questions, otherwise than by saying 1st "That they had not assumed to "themselves an unwarrantable Authority 2d That they did "not think themselves accountable for that Opinion; And 3d "That it was not Consistent wth the Honour and Dignity of "that House and the Trust reposed in them, to give any other "Answer to the said Queries." This was an avowing that they Claimed such an Authority, and deem'd themselves not Accountable to any Body for the Use of it, This Claim was set up at a Time when an End was Seemingly put to all former differences. It appears to be the sole Act of that proposing Assembly and a claim set up by them to set aside An Act of the Legislature here, Solely by the Lowest Branch of it, a claim in its own nature Extravagant and Contradictory, made at the time when all things were tending to peace, and productive of all the Differences that have since happened

If a Bill, with a Clause suspending the Effects of it, till his Majesty approves of it, be as you say in the Nature of a Petition, can it be lawful or fit to do that which you had Petitioned for leave to do before the Petition was granted, and leave had been granted to do what you petitioned for? If it Can, what signifies a suspending Clause in any Bill? or in that for the making of Forty thousand pounds Current? Tis but the Assemblys Saying, after such a Bill is passed by all the Branches of the Legislature here, And there being no Act, but that to make a paper Currency at present, it ought to be taken as a Rule to Govern the People till &c and accordingly order the paper Bills to be signed and printed; Doth not the absurdity of such a proceeding appear at first sight? And yet it appears by these Journals you referr to, that the

late Assembly not only approved of the Conduct of this proposing Assembly, but ordered this same Bill to be printed for the Reasons given by that Assembly, and printed it in their Votes accordingly: And when I was expecting (according to their promises) a support for the Government to be agreed on, they instead of Complying with their Engagements, had recourse to Proceedings long since passed, and mention my refusing Assent to some Bills passed by both Assembly and Council; Mention What they call a Proposal by that Assembly of passing their Bills previous to the Granting any Support for the Government, which was Claiming a Right to have the Bills they sent up, passed Antecedent to their raising a support; and a Threat not to support the Government unless they were so; which Threat the late Assembly put into Execution, not only because I had formerly refused Bills passed by Council and Assembly, but that since that, viz. During that Session, ways has been Thought of to Influence the Majority of the Council to reject the Bills proposed by the Assembly; As if the Council's rejecting of Bills proposed by the Assembly or the Governor, or any Body else's thinking of ways to Influence them to do it, was Reason Sufficient for that Assembly to deny the usual Support; Yet these are the Reasons that Assembly gave (with some others I mentioned to you equally Cogent) to justify their Conduct in this particular, and by their printed Votes appeal to the Populace to judge of them, endeavouring to make them believe that both myself and the Council are Obliged to pass such Bills as the Assembly send up. This, as it was setting up a Claim to what they had no right to, and as future Assemblies might insist on it as well as the last had done, by mentioning what they call a proposal of a former, I thought fit to tell you, what I had told Assemblies before, and what you all know to be true, viz. That neither the Council, or I are Obliged to pass any Bills but those we think proper should be passed and if you come really so well disposed as you say you do, I hope nothing will be attempted but what will be thought proper by each Branch of the Legislature to be assented to. As it

happened, the Bills refused to be passed the last Sessions were such as never came to me to be passed or refused; and how ever essentially Necessary you conceived them to be, the Council who had an equal Right to judge with yourselves, did not think them to be so, but refused to assent to them; for which they have given their Reasons; And it appears from the Journals you referr to, that the Assembly declin'd agreeing to the Support of the Government, but in such a manner as they knew could not be assented to, because the Council (not I) had refused to assent to their Favourite Bill to make Forty Thousand pounds Current in Bills of Credit; and if such a Bill, with a suspending Clause, be in the Nature of a Petition as you say it is, then if a Petition, it could only be a Petition of the parties that made it, and until it became a Bill passed by the whole Legislature, it could not be their Petition; and that when sent up by the Assembly to the Council, could in its own Nature be no more than the proposal of the Assembly to the Council to joyn with them in making such a Petition, as they had proposed in the form sent up; and in such case the Council might neither approve of the nature of the Petition, nor the form in which it was Conceived, and were not Compellable to joyn in it, but chose to let it remain as it was, viz Only the proposal of the Assembly, so if the Council had agreed both in the Matter and form, and had joyned with the Assembly to make such a Petition, as that House had proposed, and had sent it to the Governor for for his Approbation, he also might neither approve of the matter or form of the Petition, and for that reason might refuse to joyn in it, and Chuse to let it remain, what it only was, a proposal of the Assembly & Council to make such a petition; And had it Come that length as to be proposed by both Council and Assembly, the Governor neither was compellable, nor ought to be Compelled, to joyn in making a Petition he did not approve of; much less ought he and the Officers of the Government to suffer, because the Council, would not joyn in making a Petition they did not approve of; Whatever were the Motives that induced them not to

join in it, and how ever Sanguine your hopes might be, of obtaining that Favour you petitioned for, of making Forty Thousand pounds in Bills of Credit, I believe all indifferent men (not under the influence of such strong desires as you were) will agree with me, that it was very imprudent to ask at a Time when a Bill was bringing into Parliament against the doing of things of that kind.

If words have any meaning, the opinion given by the late Assembly concerning the Bill intended to be brought into Parliament, was given with relation to the whole Bill, and not with respect to any particular Clause of it; for they say, that if the said Bill, or any Bill of that Tendency should pass into a Law it would not only be an encroachment &c but also destructive of the Liberties and properties of his Majesty's Subjects; And not if the said Clause, or any Clause, of that Tendency should become part of a Law, it would be an Encroachment &c So that it appears by the Journals of the late Assembly, it was the Bill containing that Clause, and several others that was said to be an Encroachment &c.

It is true, that twelve of the Members of the present House, which makes one half of the house, are the same Men that were Members of the late House who joyned in giving that Opinion, and must best know what they intended by it, and since they say it was with relation to that particular Clause set forth at large in their Address just now made to me, that they gave that Opinion; I will suppose it to be so, and then it will be, that if the said Clause, or any Clause of that Tendency, should pass into a Law it would not only be an Encroachment &c but Destructive of the Liberties and properties of his Majestys Subjects; but this does not one jot mend the matter, but rather make it worse; for whether it be with relation to the Bill, or that particular part of it, that the Opinion was given an Encroachment is still an Encroachment. However Hard or restrictive of the Liberties they had formerly taken, such a Clause if passed into a Law might be deemed to be, yet a British Parliament, If they judged that any liberties we took or us'd were prejudicial to

the British Nation, they might restrain us in the use of them without being said to encroach, or that by making such an Act they would destroy our Properties; and Whatever freedom we have of speaking, I cannot still help thinking, that what was said on this Head in the manner it was, had been much better let alone.

You are not Singular in your Dislike of that Clause; and if I am rightly informed, many of the Inhabitants of other places besides New Jersey are apprehensive of the Consequences of it; because Laws hereafter to be passed contrary to Instructions given, are to be (I suppose) void at least; or (it may be that besides that) a Penalty laid upon the Governors for passing them; for there is a Blank[1] left for that, and not anything express'd concerning it.

Here it is the Shoe pinches; here lies the Danger; at present, if a Governor passes a Law, tho' Contrary to his Instructions, it is a Law, and will be in force; And if for making a Paper Currency, tho' without a Suspending Clause, it will not be very practicable to repeal it, as it may not be to repeal several others, that a Governor can pass it if he will venture to Act contrary to the Trust reposed in him; And Assemblies have not been so unacquainted with the weak side of humane Nature, as not to induce Governors to do what they should not do, by denying to support the Government, or by giving large sums as a Reward for Imaginary Services; And Governors, who are made of the same Materials that other men are, have not been unsusceptible of Impressions made that way, and thought it more eligible to run the Hazard of breaking their Instructions, than of starving by a close adherance to them,[2] But if a Law should pass, that any Law passed by a Governor contrary to his Instructions should be void; And a penalty laid on Governors and Assemblies that passed such a Law, (as something like this Clause to be intended in this particular of making a Paper Currency) then

[1] See ante, page 412.

[2] The New York Legislature, in 1743, voted £1,000 extra to Governor Clinton, to secure his support of certain legislation.—*N. Y. Col. Docs., VI., 640.*

all these Methods of procuring the Assent of Governors to what they were forbid to assent unto, will be at an End in the particular case mentioned and intended by this Bill And how proper it will be for Governors or Assemblies to appear against a Bill seemingly made to oblige Governors to obey their Masters Orders, You Gentlemen, can easily determine. But that they are, or should be so obliged this and this only is the grand Grievance; This is said to make Governors Arbitrary; and what not? If this be so, the Conduct of Assemblies I fear, has not Contributed a little to it, But how does it Appear that it is so? one would think that any law to restrain Governors from Acting Contrary to their Masters Orders, was not the most likely way to make them Arbitrary, but to prevent them from being so, as restraining them from taking Liberties they might otherwise be prevailed on to do, and this Clause in particular appears to me to be made to restrain, or rather to prevent Governors from Assenting to any Act to make Paper Bills Current, Contrary to his Majesty's Instructions, in that particular Case. That this is so, appears to me plain from the Bill itself: I shall therefore say a little to it, and if I happen to be mistaken in my Sentiments concerning it, I shall, when I am convinced that they are erroneous, very gladly alter my Opinion, And, first, it appears from the Preamble of the Bill that the Reasons assigned for making of it, was That the Issuing of Paper Bills of Credit by virtue of Acts, Orders &c had been a Great Discouragement to the Commerce of England, by Occasioning Confusion in Dealings and lessening of Credit &c 2d That for remedying the Inconveniences which have arisen from the Indirect Practices of issuing such Papers Bills of Credit, his Majesty had been graciously pleased by his Royal Orders and Instructions, to require and Command the respective Governors in America not to give assent or pass any Act whereby Bills of Credit may be issued in lieu of Money, without a Clause suspending their effect until the said Act shall be approved of by his Majesty.

3d That notwithstanding such his Majestys Royal Orders

and Instructions &c Such Indirect practices of Creating, Issuing and Omitting [Emitting] such paper Bills of Credit, are still carried on to the great Prejudice of the Trade of his Majestys Subjects.

Wherefore, for the providing a more effectual Remedy than the Kings Instructions had prov'd for preventing the said Inconveniences that is, the making Bills of Credit that should occasion Confusion in Dealings &c and making of them by Act Contrary to his Majestys Instructions, without a suspending Clause, as it is said had been done.

It is proposed to be Enacted, That it shall not be lawful for any Governor to Assent to any Act, whereby Paper Bills of Credit shall be made, or whereby the Time Limitted for the sinking of them shall be protracted.

2d That all Bills of Credit, now subsisting, shall be sunk and destroyed, according to the Tenor of the Acts, &c that made them.

3d It is provided and declared, that nothing in that Act shall extend, or be Construed to extend, to restrain, or be Construed to extend, to restrain his Majesty or his Successors from impowering his Governors to assent to any Act of Assembly for Creating of Paper Bills of Credit, in lieu of, and for securing such sums of Money as shall be deemed requisite for the Current year, so as at the Time of making of them, sufficient Fund be provided for the sinking of them in a reasonable time.

4th It is also provided, that nothing in the Act shall be Construed, to restrain his Majesty from impowering the Governors to assent to Acts of Assembly, to create and make Bills of Credit for securing such sums of Mony, as Shall be borrowed or taken up upon any sudden or extraordinary Emergency of Government, and for the immediate Support and Defence thereof, so as due Care be taken to ascertain the value of the principal sum borrowed, and to provide a sufficient Fund for the sinking and Discharging Principal and Interest.

5th It is Enacted, That no Bills made Since, or which shall

be made by virtue of his Majesty's Instructions, shall be deemed or taken as a legal Tender for the Payment of any Private Debt.

6th It is provided that nothing in the Act Contained shall be taken to make any Paper Bills issued before to be a legal Tender in payment of any private debt in any of the Colonies.

7th And because several paper Bills are now subsisting upon Loans, whereby private persons and their Estates stand bound for the payment; and in case any Difficulty or Obstructions should arise in the payment thereof, such Bills cannot be sunk; It is therefore, enacted, That such Bills shall be sunk and Discharged agreeable to the Tenor of the Acts or Orders that made them.

8th It is enacted, That all Borrowers, of these Bills shall by all due and Legal means be Compelled to pay them; And in Case of Deficiency or Loss, that Loss to be made up by in the several Colonies where such Deficiency Shall happen.

This is the substance of the enacting clauses in that Bill with relation to the first part of the Preamble, in none of which there is not one word of any thing mentioned in the 2d and 3d part of the Preamble relating to the passing of Bills contrary to those Instructions given by his Majesty, for remedying the Inconveniences which have arisen from the indirect practices of Creating such Bills, by which his Majesty had required and Commanded his Governors not to Assent to any Act whereby Bills of Credit may be issued in lieu of Money, without a Clause being incerted in such Act declaring the same shall not take Effect until the said Act shall be approved of by his Majesty; and that notwithstanding such Orders, and for want of a due Compliance with, and Observance of them, such indirect practices were still Carried on in some of the Plantations, This is the Matter complain'd of; and for providing a more effectual Remedy for this than his Majesty's royal Instructions had proved; this Clause Complained of is made, and sets forth in the beginning of it, that

there had not been a due Regard and Obedience paid to his Majestys Orders and Instructions from Time to Time issued &c which must mean such Orders &c as was mentioned in the Preamble not to be Complied with, and which are solely relating to Paper Bills of Credit; And Therefore, to prevent the like indirect practices for the Future as were Complain'd of, The Clause first injoyns that a strict Obedience shall be paid to such Orders and Instructions as shall be sent by his Majesty, or his Successors; and in case they should be disregarded, as they had been before, Enacts, That every Act, Order &c &c &c made contrary to such Instructions shall be which I will suppose void at least. By this it seems to me very plain, that this Clause Complained of is a relative Clause, relating to the Preamble, Setting forth the Causes why the Act was made; and to prevent the Mischief there Complained of, Viz. The passing of Acts to make Paper Bills of Credit, without incerting a Clause in such Acts that they Shall not be in Force till his Majesty approves of them, which had been done, and was Still practised, as the preamble says, in some of the Colonies. If this be the Nature of the Clause, as it seems evident to me that it is, then the Opinion of the late House was, and yours is, that if the Clause you set forth, or any Clause of that Nature, should pass into a Law, whereby Governors Should be prohibited to pass any Act for making of Bills of Credit, without incerting the Suspending Clause above mentioned, such Law would not only be an Encroachment upon the fundamental Constitutions &c but destructive of the Liberties of the People: This needs no Comment.

But, say many, this Clause is no relative Clause to anything before going, but an absolute Clause introduc'd with a Preamble setting forth the reason of making it, viz. That a due Regard had not been paid to his Majesty's Orders and Instructions from time to time issued for the better Government of the Plantations, and enacting, injoyning, and requiring a strict Obedience to be paid to such Orders and Instructions as shall from time to time be transmitted by his Majesty

or his Successors, and declaring that all Laws made Contrary to such Orders and Instructions, shall be
I will, as before suppose void, This, say they, is governing according to Instructions and not by Laws; and tho' the Clause, as it stands, May be understood and Construed to mean and relate to the making of Paper Bills of Credit, yet it may mean something more, Viz Such other Orders and Instructions (be what they will) as shall from time to time be transmitted; and any Law passed Contrary to these is declared to be void.

Tho' saying in the Preamble of the Clause, that a due regard had not been paid to his Majesty's Orders &c must relate to some Orders to which a due regard had not been paid, and what these were, are set forth in the Preamble of the Bill to which it evidently relates; yet for once, let us Suppose it Absolute, and untrue, and a Clause independant on any other part of the Bill; or if dependant, that it means any other, or different Orders and Instructions than those relating to Bills of Credit, which the Governors are required to pay an Obedience to, and declares any Act made contrary to them to be void. And let us enquire, whether such a Clause, if passed into a Law, can be an Encroachment upon any Fundamental Constitutions of any Colony, or any Concessions granted by his Majestys Royal Ancestors to this or any other Colony, or destructive of the Liberties of his Majestys Subjects.

Had there been no Instruction or Order restraining the Governors, they might assent to any Law propos'd to them or they might refuse their Assent as they judged fit; When a Governor has the Kings Orders not to pass Laws of a particular kind, or not without incerting Clauses in them not to take Effect till his Majesty Approves of them, it is so far a restraining of the power of a Governor; and can not the King Legally do this? If he can, as I believe few will adventure to say he Cannot, then a Governor in passing any Law that he is forbidden to pass, or without incerting such Clauses, does what he ought not to do, nor had any power to do but was

commanded not to do; If the King had a legal power to Command, which I presume no Body can make a doubt of; And has the Kings Royal Ancestors divested, or could they by any Fundamental or other Concessions, or Constitutions, divest themselves of the power of denying their Assent to such Laws made in the Plantations, as they did not approve of? or of commanding their Governors not to pass, or not to pass them but on Certain Conditions directed to be incerted? And should this Clause be passed into a Law, would it be destructive of any Liberties but those which Governors had been prevailed on to take in passing such Laws, as they were commanded not to pass? This Clause relates to the Governors passing or giving his Assent to Laws; not what Laws he should Assent to, But what laws he should not assent to, viz. Such as he was forbidden to assent to; Sets forth, that Governors had assented to such as they were forbidden to Assent to; and to prevent their doing so for the future, declares that if they assent to Laws which they are commanded not to assent to, such Laws as shall be
void or perhaps penal to all Concerned in the passing of them; and here lies the Grievance.

The Kings of England from times immemorial by virtue of a power inherent in their royal persons, have refused their Assent to Laws in England; and have they less power in the Plantation? If they could refuse their Assent to Laws, it seems to me, that they could legally command their Substitutes to refuse their Assent to such Laws as their Masters judged not fit or Convenient to be passed; And that their Substitutes were in Duty bound to obey these Commands; and acted illegally and Contrary to their Duty in disobeying; And that this Clause, if passed into an Act; would be a declarative of what the Law and Reason was, antecedent to the making of it; and I believe it will puzzle all concerned, in giving the Opinion I am speaking of, to shew w^{t} fundamental Constitution or Concession such a Law would Encroach upon; or what Liberty it would be destructive of, unless it be that which Governors have been too often Compelled to take, in

dispencing with their Masters Commands rather than Starve: And tho' the Complaint, seems to be, because a Restraint is put upon Governors, which in this Case, they do not approve of; Yet Assemblies have shewn they are not unwilling that Governors should be restrained, provided they do it themselves.

I doubt not but you are of opinion that the Government has been very honourably Supported, and perhaps would be so for time to come, tho' it should be reduced to less than the half of what it has been; but your Opinion cannot alter the Nature of things and make that honourable and sufficient, which in [it]self is not so, what ever opinion you have, or say you have concerning it.

You have undoubtedly, as you say, a Voice in the Disposition of the publick Money, and can, if you think fit, refuse your assent; but you should not refuse your Assent to what is reasonable and fit, because you can do it, that would not be acting reasonably, but otherwise.

The Money in the Treasury, or that may come in from the Loans of Bills of Credit, may possibly prove much less than it is Supposed to be, tho' I hope and believe it will not: yet that doth not Appear to be a Reason sufficient for lessening the support of the Government, but rather the Contrary; for if it was when there comes to be no Bills of Credit, there ought to be no Support: The Supporting the Governm^{t} over them is a Duty incumbent on every Community, and would be so upon this, tho' no Bills of Credit had a Being; and it cannot I think with Truth be said, that this Colony is unable to do it, in a larger manner than it has hitherto been done, even if they had no Bills of Credit much more so, when his Majesty has been graciously pleased to consent to the making of such, Bills for the better enabling them to do it; and which, if they refuse to do, will not be a grateful Return for the favour received.

When the parts of the Legislature happen to differ and disagree amongst themselves, the people are generally Sufferers and may complain of the want of some Laws, that with a

better agreement among them might be obtained: But an Assembly, which is one part of the Legislature complaining for want of good Laws, is rather a Clamour or murmur than Complaint. The supposed Complaint of an Assembly in this Case must be against one or both the Other parts of the Legislature, for refusing their Assent to such Laws as the Assembly calls good and Beneficial, which either of the other parts have a right to do, and however good and beneficial you may esteem the Laws you propose to be, either of the other parts, who have as much a right to think as an Assembly, and an Equal power in the making of Laws, may conceive the Laws so proposed neither good nor beneficial; and such as they think not to be so, they ought not to Assent to it. The Appealing to the Populace in this case, is generally attended with Consequences dangerous to the Public Peace, and not very safe to those concerned in the doing of it.

The Fact in this case is, the Assembly passed a Bill for making Current Forty thousand pounds in Bills of Credit, and a few other Bills, all which they call good and beneficial.

The Council esteemed none of these Bills either good or beneficial especially that for making Forty Thousand pounds in Bills of Credit, and therefore refused their Assent to them, which they might do; and gave their Reasons why they refused their Assent to them, which they were not Obliged to do. The Assembly in a Pet lessen the usual Support of the Government to a sum they knew the Council would (or rather could) not consent to; because ways had been Thought of to influence a Majority of the Council to reject their Bills, and so the Government remained unsupported. That is, in English, rather[1] more or less, than that they denyed to Support the Government because the Council would Not assent to their Bills: And the Votes of that House published to the world, give me and the world a full Information Why the Government has not been supported for the present year, as the Council, who you say, can best inform me, can give: And if it should be Admitted (as it is not) that the Assembly had

[1] Neither.

no occasion to give any reasons for their Conduct in this Case; yet having once given them, whether offered directly or indirectly, it appears what they were, and why the Government has not been Supported this present year, and still remains without Support, viz. because the Council refused to assent to the Bills sent up by the Assembly.

If the Assembly, have supported the Government, as you say, for six years, or any Number of years, they would be entitled to all the favours I could do; and the greatest, and most beneficial, both for them and the publick; that I can do, is to warn them when they exceed the Bounds of their Authority, or Attempt things inconsistent with my Trust to admit of; As I believe you well know I can, from their Journals, give more Instances than one, besides that of the Fee Bill, have been Attempted; But I cannot take from the Council the Power they have of refusing the[ir] Assent to Bills they do not like; nor do I believe your denying the support of the Government will Compell them to part with it; or Can or ought to Compell me to assent to any Bill I do not approve of.

It doth not Appear to me, that the Assembly (meaning the House of Representatives) have Supported the Government in a liberal manner, or in any manner. You are fond indeed of saying, that you Grant, a support, and using words of that Purport on the Occasion; but you all know that Money is applied long since to the support of the Government, not out of any Money given or granted by you, but out of Money, at your Request, Granted to you; and would not be unjust to call in, and take from you, when you refuse to apply a sufficient Quantity of it to the support of the Government, which is the very use it was given for and Applied to; And you have no more Power of granting it than any other Branch of the Legislature, or denying any Amendment to the same you judge proper to apply to that use, under the Pretence of its being a Money Bill; it being no money given by you, but such Quantities of it yearly to be applied to the Support of Government, as the Governor, Council and Assembly should

agree on; and either of them can be said to grant the Support with as much Propriety of speech as you; And neither of them singly can be said to grant it, or ought to pretend that they do.

I must referr to your Cooler Consideration, whether what you have said with respect to the Hunterdon Justices, was not rather with an intent to Irritate than to Convince or prove of any advantage to yourselves or those you represent. I had spoke to the late Assembly very largely on that Head, and need not now repeat. You cannot but know, that you are no Court of Law, and not being so, have no right to determine whither what has been done by the Hunterdon Justices is Contrary to Law or not. To those that think themselves agriev'd, the Law is open, to try how far that will justify their Pretences; as it is to you, if you think fit to prosecute any Justices upon that Score. This is all I need to say on that Head. Those Laws which Assemblies have Conceived to be beneficial to the Publick, others, who know the publick as well as they, and had an Equal right with them to judge, have said are not beneficial, but otherwise. If you are the third Assembly I have met with, you cannot well be unacquainted with their Conduct; and well know that part of which rendred the Obtaining of fit Laws in great Measure impracticable, and Dissolutions necessary; And if you truly study the publick Peace, and Benefit, you will avoid giving any Occasions for them. I can form some Judgment from the Choice of the present Assembly men; but it is not, that the Conduct of the last was approved by the people; on the contrary, I am told, it was disapprov'd of, and their not Supporting of the Government was much blam'd; that they instructed their Representatives, especially in the Eastern Division, not to quarrel with the Governor, with whom they had no reason to differ, but to support the Government in a handsome manner; And that upon their promises to do that they were Chosen, which Otherwise I am told some of them could not have been.

Upon the whole, Gentlemen, if your Conduct at this Meet-

ing shews that you Come together with such Dispositions as you say you do, it will greatly contribute to the publick Benefit and Happiness, of which we shall all be partakers. I shall on my part, do all in my power to promote the publick Utility and assent to such Laws, as, consistent, wth the trust reposed in me, I can assent unto, that I think conducive to the general Advantage; and Hope in this our day, we may all sincerely follow the things that make for Peace before they be hid from our Eyes. The doing so, is the most likely Method to enable us to know what truly is for the publick Good, and to act accordingly; to which I heartily recommend you.

LEWIS MORRIS

After which His Excellency Prorogued the Assembly of New Jersey Till Tuesday next at 4 o'clock in the Afternoon then to meet at the Perth Amboy

Wednesday May the 29th 1745

The House met

Present The Hon^{ble} { John Reading, James Alexander, Rob^{t} H^{r} Morris, Edw^{d} Antill, James Hude } Esq^{rs}

M^{r} Reading Acquainted the House that M^{r} Eaton and M^{r} Heard had yesterday delivered to him from the House of Assembly a Bill Entituled An Act for Applying Two thousand pounds of the Interest money now in the Treasury (Arising from the Loans of the Bills of Credit) for his Majesty's Service with an Order from that House to the said two Members to carry the said Bill to the Council for their Concurrence. which bill and Order he had receiv'd from them [this House not being then sitting] he Delivered the same in at the Table.

The Bill Entituled an Act for Applying Two thousand pounds of the Interest Money now in the Treasury (arising from the Loans of the Bills of Credit) for his Majestys Service was read the first Time and Ordered a second Reading

The House Continued till Thursday Morning

Present as above

The bill Entituled an Act for Applying Two thousand pounds of the Interest Money &c. was read a second time and Committed to the Gentlemen of the Council or any three of them.

The House Continued till 3 o'Clock afternoon

Present as before

M^r^ Morris from the Committee to whom the Bill Entituled an Act for Applying Two thousand pounds of the Interest money now in the Treasury (arising from the Loan of the Bills of Credit) for his Majesty's Service, was referred, Reported that having gone through the Bill to them referred, They were of Opinion that the said Bill ought to have been amended in the following particulars.

1^st^ By the said Bill the Money should have been directed to be Issued out of the Treasury by virtue of a Warrant under the hand of the Governor or Commander in Chief of this Province signed in Council agreeable to one of His Majestys Instructions entered in the Minutes of this House.

2^dly^ That by the said Bill the Governor or Comander in Chief of this Province should have had the directions of what Vessels should be hired and what Quantity and of what kind the provisions should be and where the same should be laden within this Province so farr as the Money in the Bill mentioned would extend.

3^dly^ That by the same Bill the Trustees should have been made Accountable to the General Assembly of this Province

and not to the House of Representatives only, as by the said Bill seems to be intended.[1]

But Considering the great Consequence of a speedy Supply of provisions to his Majestys Forces employed in the Seige of Lewisbourg and the ill Success that has attended Applications from this House to former Houses of Assembly relating to Amendments to Bills for the Disposition of the Publick Money particularly on the 24th of February 1738 and the 5th July 1740, Are Therefore of Opinion that should any Amendments be made to the said Bill it would retard the Supplies from going to Cape-Briton at least for some time, They therefore Report the Bill without Amendments for the Reasons above and Submit it to the Consideration of the House

By Order of the Committee
Robt H Morris Chairn

The Bill Entituled an Act for Applying Two thousand pounds of the Interest Money now in the Treasury (arising from the Loans of Bills of Credit) for His Majesty's Service was read a third time and on the Question put, Resolved that the same do pass

Ordered that the Speaker do sign the same.

Ordered that Mr Hude do acquaint the House of Assembly therewith.

The House Continued till Saturday June the first 1745.

Present as before

His Excellency came into Council and made the Following Speech.

Mr Speaker and Gentlemen of the Assembly.

I Received your Message of the 27th of May; and as you desire, I am very willing to excuse you from making a Reply

[1] The New York Assembly, in 1744, passed a similar bill, naming commissioners and entrusting them with the expenditure of money.—*N. Y. Col. Docs., VI., 641.* In July, 1745, the Pennsylvania Assembly assumed a like control over a military appropriation.—*Penn. Col. Records, IV., 769.*

to my Answer to your Address, either by way of Message or any other; and that for any Reason you think fit; as I would have done from making that Address, which made my Answer necessary; because you might have spent your time to much better purpose, and more of the publick Good, in doing what you were call'd together for, than Cavilling and making use of any groundless pretence to avoid the doing of it.

My answer to your Address was for the most part what shew'd the unreasonable Conduct, of the late and a former Assembly, as it appear'd from those very Journals to which you referr'd, and are Facts too notorious to be Denyed, and cannot be justifyed by Men of better Talents in the Noble Science of Controversy, than either you or I are Masters of.

What I said with respect to the Bill intended to be brought into Parliament, was to shew the Imprudence (to say no worse of it) of the Resolve made concerning it; And what I said Discovered no Opinion of mine Concerning the Bill, but endeavour'd to shew the Imprudence (in some measure) and Inconsistency of that Resolve, whether it related to the whole Bill, or (as you pretended it was meant) to the Clause you printed; and this I think is done, notwithstanding anything you have said, or I believe you can say.

Amongst other things hinted to be said by me, concerning the Inhabitants, in answer to your Address, you mention my saying, the Justice it would be to take the Money they had (that is, the money the Inhabitants have) to Support the Government from them, if they refuse to apply it so liberally as his Excellency or the Council shall think fit, and you proceed to say, "These may, and you think will, convince every "reasonable man, that nothing you co'd say to one of my "Disposition and Talents for Argument, would avail any-"thing with me, and for the People, you say, the recommend-"ing it to them with the use of their Understandings, will "excuse you from making any farther Reply to it."

I must own, that this is a very easy (tho' not the most civil) way of answering anything that I have said, or can say; And if the people (to whom you Appeal) will make the

free use of their Understanding, I doubt not they will soon discover the Force and Energy of it: But before I say anything to it, I take the Liberty to tell you, that anything that I have said, Concerning that Bill or anything else, and everything that you have said will be laid before his Majesty and his Ministers, who will form a Judgm^{t} of your Conduct, and why the people are Appeal'd to on this Occasion.

I did not say that it would be just to take from the people the Money They had for the Support of the Government, if they refused to apply it so liberally as the Council or I thought fit, as you unfairly represent in your Appeal to the People; But as you pretended to grant a support, and vainly used words of that purport on that and every other Occasion relating to it, when in reality you granted nothing, nor had any other power in that Case (whatever you assume to yourselves) than any other Branch of the Legislature; which was, to agree what Quantity of the Money rais'd for that purpose, and directed to be applied to that only use, Should be so Applied; I told you, that you all knew that Money viz, that Money in the Treasury, which you pretended to grant, was applied long Since to the support of the Government, not out of any Money given or granted by you, but out of Money at your earnest request granted to you, and wo'd not be unjust to call in and take from you when you refuse to apply a Sufficient Quantity of it to the support of the Government, which was the very use it was given for and Applied to; And not if you refus'd to apply it so liberally as the Governor and Council thought fit, as you disingenuously represent to the People you appeal to; and I believe no man, (not even yourselves) can think that less than half of the usual Support is a sufficient Support.

The people you Appeal to, and even yourselves (if you can think cooly) may easily see, that your Conduct hitherto (either in the late Assembly or this) is not the most likely Method to induce the Crown to grant you leave to make the Forty Thousand pounds you are so fond of, or any sum in Bills of Credit, or any Governor to assent to an Act of that kind, without a

greater security, that a sufficient Quantity of the Bills so made shall be effectually applied to the support of Government, and such other Uses as it shall be intended for, than either Addresses, Petitions, Promises, or even an Act made by your selves has hitherto proved.

I know not, whither tis possible to make Bricks with out straw or not, or that the Israelites were oblig'd to do it; but it appears that you printed and published your Address to me long before it was made to me, which should not have been done; and it was not impossible to have reformed that Entry, and made an Entry of what was done on the day of Delivery of the Address, viz, what the Address was, and the Answer to it, which was all transacted before you were prorogued; An Account of which should have been entered, tho' it could not be entered on that day, if you had not been prorogued.

Whether you knew of the Councils meeting or not, during the Time of What you call the Convention, is what I cannot say; If you have been in any ways in fault, I leave them to account for it as well as they can. But certainly you might of [have] known of it if you would; for they were Attending here from the time Of my Speaking to you to the time of your prorogation, and were ready to receive anything from you that you were pleased to offer; And it appears by the Journals of that Board, that there had been Six Meetings of the Council in that Time.

I mentioned no mistakes to you; but told you, if you had made any, the Prorogation gave you an Opportunity to rectify them: And upon your first meeting after the Prorogation and Adjournment (according to the Rules you made, but not with a Majority of the House I was told there grew some doubts amongst them, whether a Majority of the House neglecting to meet at the Time they were Prorogued to, that neglect had not dissolv'd them; but that in a great Measure being got over, tho' there was (as I was inform'd by your Speaker) a Majority, yet they declined acting for Reasons I know not; but suppos'd to be upon a belief, that they could

not Act with less than Sixteen; upon which I wrote to the Speaker, but he having adjourn'd the House, and gone to Brunswick, the Letter came not to his hands while the House was sitting; but did timely enough to be communicated to them upon their Meeting; And it was communicated to the Members, tho' not to them as a House, and I expected they would have entred upon Business as from [time] to time it was recommended to them to do. I was at Amboy before a Majority of the House came together, and Continued there after that Majority had met, and would not to proceed to Business until the End of the week, when I wrote that Letter, which I suppos'd had fully obviated all the Objections I had heard of; And was much surprized upon receiving your Message at Trenton, that nothing had been done, and found the pretence then made use of, was, that I had not recommended anything farther to you. Tho' what I had wrote to your Speaker, and was well known to your Members left no room for any such pretence; yet upon my coming to this place (which was as Soon as the Weather would permit as I told you) I spoke to you again, but still you declin'd entring upon any Business; and now the true Reason appears why you did not, and that all the other of not farther Recommendation, &c. were mere pretences, and nothing else: For after I had Spoken to you (to which I referr) your House met and (as your Speaker inform'd me) with the Speaker in the Chair, came to Resolutions to Support the Government in as large a Manner as usual, and agreed to the Salaries formerly given, and this by a great Majority; But these Resolves were not to be entred on your Minutes, until some, deputed by your House, had spoke with me Concerning some Laws that you desired should be passed.

What passes in your House, with the Speaker in the Chair, is an Act of the House and whatever is so, the Clerk (being an Officer instructed by the Government) is by his Office truly to enter, whatever your Orders be; when that is done, it will shew whether these Votes were Conditional or not, and if conditional, what those Conditions were. But in the

Meantime, these Votes shew; that the House did not Conceive there was any Inability of the Supporting the Government but Something else: so that all the pretences of Inability are out of Doors.

I met the Deputies of the House (as the Speaker at their request desired me) and then the Deputed told me, that the House would willingly Support the Government with Salaries as large as had been given during my Administration, On Condition they could obtain Some Acts, (not on Condition they could obtain some Acts that would enable them to do it, as you say in your Message to me; but of that soon) I ask'd what these Acts were? They replyed, An Act to make Forty Thousand pounds Current, in Bills of Credit, An Act concerning Sheriffs; and An Act to prevent Actions under Fifteen pounds to be brought into the Supreme Court. With respect to the Forty Thousand pound Act, I told them, I thought the sum much too small, but advis'd them by no means to meddle with anything of that nature until they heard what success had attended the Bill intended to be brought into Parliament concerning the Paper Currency. With regard to the two others I was indifferent about them: But the Council having once refused them, for Reasons given by them, might do it again, and they might not come to me to be passed: Some of them then said, they wished the Council were in Town to be Conferr'd with on that Head, which I did also. Tho' I was indifferent as to the matter of the Fifteen pound Bill, I told them, I should not be Inclined to pass it for a longer time than the support of the Government Continued. Upon this, one of them, (I think M^{r} Eaton) said, We have no Encouragement to do anything; we may e'en go home. I reply'd, If they wanted it perpetual, or for a long time, they might make it of what Duration they pleased, by making the support of the Government as long. But this would not do. M^{r} Speaker said, it being but a short Bill, might always be read, and passed with the Support Bill for the same time, and they might be Sure of having it. But this also would not do; there was no Encouragem^{t} and so the

Conference ended. By this it appears, that the Encouragement mentioned in all your papers, as expected by you, is a promise from me to pass these Bills as you mentioned; and to pass them, or you will not support the Government, But to make this yet plainer if possible.

After the Conference just mentioned, you sent me the Message I am now speaking to; wherein you tell me, you had Sollicited me for two or three Laws the Country had much at Heart; and Inform'd me, that the House would willingly Support the Government with Salaries as large as has been given &c **On Condition**, they Could obtain those Acts that would **Enable** them to do it in a manner they could approve of; and tell me they are willing to pass the Bills they pass'd at the last meeting over again, but as they are discouraged from giving so large a support as they would willing have done, tell me they are determined to assent to no larger Applications than they had at the last meeting assented to, Until they can have an Assurance of Obtaining some Acts they think they have a Right to, and very necessary to Enable the Colony so to do.

By the Messengers that brought this Message, I desired the House would let me know, what Acts it was they required to be passed as Conditions for their supporting of the Government. This Answer was reported on the 29th of May and tho' you had on the 27th mentioned their informing me, that the House would Willingly Support the Government as largely, &c On Condition, they could obtain those Acts &c as above, and flatly tell me, you are determined to assent to no larger Applications &c Until you can have an Assurance of Obtaining &c Yet by your Message of the 30th you tell me, that you did not propose any Acts to be pass'd as Conditions for your supporting the Government, and did in your Message of the 28th propose to do it without. It seems then, the usual support was only to be had on these Conditions, and you were determined not to Assent to the usual support, unless you can have an Assurance of obtaining &c very

Admirable this from the Representatives of a Province! So then it Stands thus, you refuse to support the Government as usual on these Conditions and are determined not to Support the Government as usually done, unless you can have Assurances for obtaining these Acts, and in a manner you Co'd approve of too; But pray, who can give you this Assurance? not I, for the the Council have already refused them; and may do it, and probably will do it again for the Reasons they have already given. Not the Council, for I may not pass them. Not the Council and I together; for his Majesty can, and not unlikely that he will, disapprove of them. So that I don't see which way you can have an Assurance of obtaining these Acts; but you are determined not to Support the Government; as usually done, unless you have them. I hope Cooler thoughts will determine you to a more prudent Conduct. Though you will not Support the Government as usual, without these Conditions, Yet you are willing to Support it in the Manner you and the late Assembly proposed, without Conditions. That is, you are willing I should take Five Hundred pounds (half the usual Salary) out of the Treasury: You will, by my consenting to the Act if the Council pass it, take Fifteen hundred pounds out of the same Treasury for the Time you have spent in fruitless jangling, and nothing done.

You mention those Acts that would enable you to Support the Government; certainly neither the Sheriffs Bill nor the Fifteen pound Act, can contribute one doit toward that; so that they are mentioned only to Amuse and unless you can be assured of obtaining an Act to make Forty Thousand pounds in Bills of Credit; and that is the sole Difference between us; and I not being able to give you these Assurances, is the true Discouragement you talk of, and the only one you have met with

LEWIS MORRIS

Then his Excellency directed the Speaker to adjourn the Assembly to Tuesday the 25th day of June next, and so by

different Adjournments of three weeks at a Time until he should have other directions

Wednesday August 21st 1745

The House met

Present John Reading, John Rodman
Richard Smith Esqrs

His Excellency came to the Council Chamber and by the Secretary having commanded the Attendance of the House of Assembly; They attended and his Excellency was pleased to make the Following Speech to both houses

Gentlemen of the Council and Assembly

When we last parted, there had been much time spent, and I wish, I could say, for the sake of all Concern'd it had been employed to much better purpose than it was.

What posture of defence the Country is in, and how capable of resisting an Enemy is known to all; That they should be in a Condition to defend themselves in case an enemy should attack them; and that our Enemies, want neither inclinations nor abilitys to attempt it, I believe will not be disputed by any, that duly regard the safety of the publick, I therefore recommend it to you to make such provision for the Effectual defences of it, as the Circumstances of the Inhabitants and the times required should be done.

The Government has been for nigh a year unsupported; The Council and Assembly of this Province, when they Address'd his Majesty to appoint them a Governor Separate and distinct from that of New York Assured him they were both Able and willing to support such a Governor and his Majesty depending upon these Solemn promises and Engagemts was graciously pleased to grant the Favour they petitioned for—I therefore recommend it to you to make such proper provision for that purpose, that there be no reason given

to Complain on that head or for his Majesty or his Ministers to say, there is no dependance upon the Engagements of the province of New Jersey; And I have from this, just ground to expect that you will agree to appoint such a part of the publick money as is to be applyed to that purpose, as will be an ample Support for the Governor and the several Officers of the Government and Suitable to the Dignity of their several Stations. I have since our last meeting and the Reduction of Lewisburgh to his Majestys Obedience, received letters from Governor Shirley and Commodore Warren[1] Earnestly pressing for Assistance of men from this Government; which I shall lay before you.

As you cannot be ignorant how advantagious such an Acquisition is, and will be, especially, to all his Majestys Northern Colonies; nor how necessary and just it is, that all of them should Contribute to the Charge of acquiring it, and to preserve it now it is obtained; So I think, I need only to recommend it to your serious consideration; But here it is not unfit To mention to you that as no care has been taken to repay the £2000 taken out of the Treasury, to purchase provisions for the use of the forces, at Cape Briton, it is taking so much money from his Majesty, appointed for the Support of this Government; and is not the gift of the people as I suppose, it was intended to be; nor is it of one farthing expense to any of them: But is truly so much money taken, or rather borrowed from the Treasury, which I think it will be your Interest to repay, because the safety of those that had it thence, are something concerned.

I ventur'd to assent to the Act, believing the provisions to be purchased would be of great use to the Forces at Cape Briton; But, *if not repay'd, it may be a doubt, whether the Lords of Trade will advise his Majesty to approve of it;* for, I find by a letter from that Board of the 13th of November 1711, to Governour Hunter concerning money before that, given to her Majestie and Appropriated to the buying of Stores, they say, that when any money is given to her Majesty

[1] Papers of Lewis Morris, pp. 251, 254, 258.

for buying of Stores & the money Apply'd they (the Assembly) ought not by a subsequent Act to pretend to direct it to another use; That this was never done by the Parliament there.

I am sorry that my ill and precarious state of health wo'd not admit of my meeting you at Amboy, as I did intend; it being I think their turn: But I hope the Members of both the Divisions of this Province where ever they meet, will heartily Study and use their Endeavours to promote the publick good; and answer what should be the true ends of their meeting.

Pursuant to his Majestys Commands I must again press you to agree upon a sum sufficient, to be apply'd to the support of his Government here, out of the money given you at your own Earnest Request; and to be applyed solely to that purpose; And I venture to assure you that it is your true interest to do so.

LEWIS MORRIS

Then the House Continued till Saturday 24th August 1745

Present as before

Mr Reading acquainted the House that on the 23d instant Mr Eaton & Mr Cook had delivered to him a Message from the House of Assembly which he had Receiv'd (The House not then sitting) and he delivered the same in at the Table and it is as follows.

August 23d 1745 Ordered that Mr Eaton and Mr Cook do wait on the Council and acquaint them that this House desires to be informed whether the General Assembly were called from Amboy to Trenton at this Time by Advice of Council or not.

THOS BARTOW Clk

His Excellency having laid before this House the despatches from Commodore Warren and Governor Shirley and also the Messages from the House of Assembly and his Answers

thereto in relation to his Ordering the Speaker to Adjourn the Assembly from Amboy to Trenton.

It is the unanimous opinion of this House, that his Excellency's indisposition, was a Sufficient reason for his directing that Adjournm^{t} but taking into Consideration, the Necessity of the members of the House of Representatives are under of attending their private affairs at home, it being seed time, think it Adviseable that his Excellency do prorogue the General Assembly of this Province, to meet at Burlington on Tuesday the 24th day of September next, or do direct the Speaker to adjourn the House of Assembly to that Time & place, and if his Excellency shall Continue indisposed, then farther to prorogue or Adjourn them to Trenton; At which time they may resume the Consideracon of the aforesaid Dispatches and the Affairs of the Province

The House mett at Trenton on Thursday Oct^{r} 3^{d} 1745

Present

John Rodman
Rich^{d} Smith
Rob H Morris
Edward Antill
} Esq^{rs}

The House Continued till Tuesday Oct^{r} 8, 1745
The House Continued till Wednesday Oct^{r} 9^{o}

Present the Honble { John Hamilton, John Reading, John Rodman } { Rich^{d} Smith, Rob^{t} H. Morris, Edw^{d} Antill } Esquires

Letters from James Alexander & Ja^{s} Hude Esq^{rs} were read giving Sufficient reasons for their Non Attendance at this Time. M^{r} Antill acquainted the House that on the 8th instant M^{r} Lawrence & Doughty had Deliver'd to him a Message from the House of Assembly, w^{ch} he had receiv'd the House not sitting at that time & he delivered the same in at the Table, and it is as follows.

Oct^{r} 8th 1745 Order'd that M^{r} Lawrence & M^{r} Doughty do wait on the Councill if sitting and acquaint them that this House desires to be Informed whether the General Assembly was called from Burlington to Trenton at this Time by advice of Council or not: And if the Council be not Sitting then to Deliver the said Message To any one of the Gentlemen of the Council in Town.

Ordered that the above Message be taken into Consideracon on Friday next.

The House Continued till Friday the 11th of Oct^{r} 1745

Present the Hon^{ble} { John Hamilton, John Reading, John Rodman, Richard Smith, Rob^{t} H. Morris, Edward Antill } Esq^{rs}

The House according to the Order of the 9th instant took into their further Consideration the House of Assemblys Message of the 8th instant & after some time Spent therein, Agreed to the following Message to be sent to the House of Assembly, Viz.

The Council taking taking into their Consideration the Message from the House of Assembly of the 8th instant by M^{r} Lawrence & M^{r} Doughty, are of Opinion, That by the Constitution of England it is the undoubted prerogative of the Crown to Adjourn, Prorogue, & Dissolve Parliaments & Consequently Assemblies & to appoint the places of their Meeting.

That his Majesty by his Letters Patent under the Great Seal of Great Britain has been pleas'd to Delegate that power in New Jersey to His Excellency the Governor.

That all advices from the Council to the Governour are given in a privy Council and are matters of State, and the Members of the Council are by their Oaths & Affirmations bound to keep Close & Secret all such Matters as are propounded, treated, Disputed, debated or Resolved in such Council, so that this House can in nowise consistent with their Trust give an answer to what the House of Assembly desires to be informed of.

Order'd that Mr Rodman do Carry the above Message to the House of Assembly.

The House Continued to Saturday the 12th of Octr 1745

Present as above

Mr Rodman Reported that he had Obeyed the Order of Yesterday

The House Continued till Tuesday the 15th

Present as above except Mr Smith

Thursday the 17th of Octr 1745

Present { John Hamilton, Robt Hunter Morris; John Reading; John Rodman, Edward Antill } Esqrs

Friday the 18th

Present { John Hamilton, Robt H. Morris; John Reading, Edward Antill } Esqrs

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At a Council held at Perth Amboy in the Province of New Jersey the 4th day of June 1746.[1]

Present

The Honble John Hamilton Esqr President

James Alexander, Edward Antill; Robert Hunter Morris, James Hude } Esqrs

[1] No minutes of the Council, sitting as a branch of the Legislature, from the 4th of February, 1745–6, to the 8th of May following, have been found, though the Journal of the General Assembly shows that the Council was in session during that period. Mr. Benjamin F. Stevens, who was requested to furnish these minutes, if in existence, writes from London, August 30th, 1890, as follows: "I have examined the New Jersey documents in the Public Record Office, and I exceedingly regret that I can find no minutes of the Council, either as an advisory body or as a branch of the Legislature, between October 18th, 1745, and June 4th, 1746."

The President Informed the Board of the Death of his late Excellency Lewis Morris Esq[r] Late Governour of this Province,[1] that he had the Seals, the Instructions & other Papers Relateing to the Publick Affairs of this Province

Then the President took the Oaths appointed by Law, the Oath for well & truely Executeing the Office of President of his Majesty's Council & Commander in Chief of this Province, the Oath for the due Observation of the Laws of Trade and Plantations and also the Oath for duely Executeing the Office of Chancellor & Keeper of the Great Seal of this Province.

It is the Opinion and advice of this Board that the President do Issue a Proclamation for Continueing all officers Civil & Military in the Exercise of their Respective Offices & Places till further Orders

Ordered that the Clerk Prepare a Proclamation accordingly

The President Communicated to the Board a Letter from the Duke of New Castle[2] his Majestys Principal Secretary of State to his Late Excellency bearing date at Whitehall April 9[th] 1746, Signifying his Majesty's Pleasure that this Colony should Raise a number of Men to be Employed in his Majesty's Service in America.

Also a Letter from His Excellency Governour Shirley to the s[d] Late Excellency bearing date at Boston May 27[th] 1746. And also a Letter to the President from his Excellency Governour Clinton bearing date at New York May 31[st] 1746, upon the Subject of the intended Expedition

Upon which the President desired the Advice of this Board

The Board takeing the same into Consideration are Unanimously of Opinion that it will be necessary the President should Meet the General Assembly as soon as Possible & as the President is unable to Travel from home the Board

[1] Governor Morris died May 21st, 1746, at Trenton, after an illness of some weeks. His remains left Trenton on the 26th, on their way to Morrisania, N. Y., where they were deposited in the family vault.—*New Jersey Archives, VI., 368, note; Papers of Lewis Morris, 309, 313.*

[2] Printed in Papers of Governor Lewis Morris, 311.

advises that the General Assembly now Sitting at Trenton be Prorogued to Wednesday next then to meet at this Place And that Expresses be Sent to the Members to Require their Attendance accordingly and his Honour was Pleas'd to Issue a Prorogation, for that Purpose

And the Board do further Advise that his Honour the President Issue a Proclamation for Laying an Embargo on all Vessells in this Province for the Space of One Month, unless his Order in Council Shall be first Obtained for the Sailing of any Vessell.

Ordered that a Proclamation be Prepared accordingly.

His Honour the President informed the Board that Thomas Hunlock Esq^{r} High Sherriff of the County & City of Burlington had Desired Leave to Lay down his Commission, and his Honour further informed the Board that one M^{r} Joseph Hollinshead was Recommended to him as a fitt Person for that Office & desired the Advice of the Board Thereon.

This Board takeing the Same into Consideration are of Opinion that the s^{d} Thomas Hunlock Esq^{r} may have Leave to Resign his Office of Sherriff and advise his Honour to appoint the s^{d} Joseph Hollinshead Sherriff of the s^{d} County & City of Burlington in the Room of the s^{d} Thomas Hunlock Esq^{r}

And it is Ordered accordingly

At a Council held at Perth Amboy June 11th 1746.

Present

The Hon^{ble} John Hamilton Esq^{r} President

John Reading, James Alexander, Edward Antill, James Hude } Esq^{rs}

His Honour the President acquainted the Board that Application had been made to him by the Owner of the Brigantine John and William for Leave that the s^{d} Vessel

might Proceed on her intended Voyage to Madera, haveing been Oblidg'd to Putt back into this Port since the Embargo to Refitt and his Honour desired the Advice of the Board thereupon

This Board haveing been informed that Vessels have Lately Sail'd both from New York & Philadelphia, Advise his Honour to Permit the s^{d} Vessel to Sail, And it is ordered accordingly

At a Council held at Perth Amboy June 12th 1746.

Present
The Hon^{ble} John Hamilton Esq^{r} President

John Reading, James Alexander, Robert Hunter Morris, Edward Antill, James Hude } Esq^{rs}

Lawrence Smyth Register of the Court of Chancery Attending and being Call'd in desired Leave to Resigne his Commission as Register of the s^{d} Court, which was Granted And he Resigned accordingly

Whereupon the President was Pleased to Appoint John Smyth to Succeed him in the said Office, And a Commission was Ordered to be made Out for that Purpose

At a Council held at Perth Amboy June 18th 1746.

Present
The Hon^{ble} John Hamilton Esq^{r} President

John Reading, James Alexander, John Rodman, Richard Smith, Robert Hunter Morris, James Hude } Esq^{rs}

The President Communicated a Letter to the Council from Gov^{r} Clinton Dated June 16th Ins^{t} Informing him with his Intention of Going to Albany in Order to Engage the Six

Nations of Indians to Take Part in the Present Expedition[1] agreeable to his Majesty's Orders to him for that Purpose and Desireing the President to Endeavour to Send all the fighting Indians to Albany to join the Six Nations on this Occasion on which he Desired the Advice of this Board

Upon which the Board Unanimously Advis'd his Honour to Lay before the House of Assembly such Parts of Gov^{r} Clinton's Letter as Related to the Engageing the Indians to Take part in this Expedition.

At a Council held at Perth Amboy June 19th 1746.

Present

The Hon^{ble} John Hamilton Esq^{r} President

John Reading, James Alexander, John Rodman, Richard Smith, Robert H. Morris, James Hude } Esq^{rs}

His Honour Laid before this Board a Message he Received from the Assembly in the following Words

Ordered that M^{r} Cooper & M^{r} Fisher do Wait on his Honour & Acquaint him that the House has Gott the Business in a good forwardness which was Recommended in his Speech, And as he was Pleas'd to Intimate that he would Inform the House by Messages of any other Affairs he had to Recommend to them, They now Desire his Honour will be Pleas'd to Recommend what other Business he thinks necessary to be done at this Time That the House may Proceed Therein as they shall have Leisure their private affairs Requiring that They should make the utmost Dispatch.

Upon which he was pleased to ask the Opinion & advice of the Board what was proper to be done, And the Board takeing into their Consideration the many things necessary to be done at this Time in Order to Prepare for the intended Expedition against Canada & the Dangerous Consequences

[1]Against Canada.

that might Attend any the Least Delay, were Unanimously of Opinion that no other Business ought to be Entred upon till the Legislature had Gone through the Business his Honour had Recommended to them at the Opening of the Sessions, Relating to the intended Expedition, And when that was over His Honour might grant Them a short Recess till after Harvest, And advis'd his Honour to Send a Message to that Purpose to the House of Assembly

July 19th 1746 at two o'Clock in the Afternoon Council Mett

Present
The Hon^ble John Hamilton Esq^r President

John Reading, James Alexander, John Rodman, Richard Smith, Robert H. Morris, James Hude } Esq^rs

His Honour Laid before the Board a Message he had Prepared to the House of Assembly Agreeable to the Advice of the Board Given him this morning which being read was Approved of by this Board & his Honour was Pleas'd to order the Same to be wrote fair.

At a Council held at Perth Amboy June 28th 1746

Present
The Hon^ble John Hamilton Esq^r President

James Alexander, John Rodman, Richard Smith, Robert H. Morris } Esq^rs
Edward Antill

N° 1. A Warrant was Signed to Pay M^r Hamilton two thirds of a Quarter's Salary as Commander in Chief from 23^d June to 23^d September 1738.... .....£83 „ 6 „ 8

N° 2. A Warrant to the Exec^rs of the Late Governour for One third of three Month's Salary as Governour of this Province from 23^d June to the 23^d September 1738 ..... 41 „ 13 „ 4

At a Council held at Perth Amboy August 13^th 1746.

Present
The Hon^ble John Hamilton Esq^r President

James Alexander Robert Hunter Morris Esq^rs
Edward Antill

His Honour the President Acquainted this Board that he had Desired their Meeting to Inform them that Edward Hart had by his Warr^t Raised 100 Men for the Expedition against Canada & had brought them to this Place on thursday Last, that as the 500 Men which the Assembly had Agreed to Provide for, were before Raised, and that he was at a Loss What to resolve Concerning the s^d Company so Raised by Edward Hart and Desired the Advice of this Board Thereon, Whereon this Board haveing maturely Considered of the matter, Advised his Honour the President to Send the s^d Edward Hart to His Excellency the Governour of New York at Albany with a Letter to the Purpose following Viz^t

Sir

" Your Excellency has without Doubt heard that in Pur-
" suance of the Letter from his Grace the Duke of New
" Castle to the Commander in Chief of New Jersey, that the
" Assembly of this Province was called together & made Pro-
" vision for 500 Men to be Raised in this Province for His
" Majesty's Service upon the Expedition against Canada &
" for no more than the s^d 500

"And for Promoteing that Service I as Commander in Chief of this Province Gave Warrants to five Persons whom I had

Reason to Expect might have Interest enough to Raise 100 Men Each, with Promise that the Persons They should Recommend for Subaltern Officers should have Warrants for that Purpose, which five Persons have accordingly Raised their Men And I hope this Week all Things may be Ready to Embark them for Albany and which Embarkation shall be made with all the Expedition in my Power.

But before those five Persons had Raised their Men, the Bearer hereof Edward Hart applyed also for a Warrant for Raising 100 Men as a Captain which I granted Least any of the five should have Failed in Raising their Men & that the Service might not have suffered thereby And accordingly he has Raised 100 Men and Six days ago brought them to this Place, but before he Came the other five Companys were full.

I was well Assured that these, 100, Men Raised by the Bearer Edward Hart & brought hither were by far the most Likely & Able Bodied Men that have been Raised in this Province & therefore thought it a Pity, that those Men should not be Employed when in all Probability they may be much Wanted for the Present Service, Wherefore I Summoned a Council for their Advice in this Matter.

And being Mett for this Purpose, They are Unanimously of Opinion that There's no Probability that the Assembly of this Province will Consent to Provide for the s^{d} Supernumerary 100 Men, should they be even Call'd for that Purpose, for that They Exerted their Utmost Ability in Provideing for 500 Men. And to Call an Assembly to Try whether they would Provide for them or not Could not be done in any Reasonable Time, So as to Send Them in Time on the Service; Wherefore they are of Opinion that They Can't be Kept together, unless your Excellency shall think proper to Receive them upon the New York Establishment, And to see whether your Excellency will So Receive them or not, They have Advised me to Send the s^{d} Edwart Hart forthwith to your Excellency at Albany, to make the Offer of Them for this Service hopeing it may be agreeable to your Excellency to Accept Them And to Grant the Bearer & the Subaltern

Officers by him Chosen, Warrants for that Purpose to Order Vessels for Embarking them for Albany & the Payment of the Bounty of Six Pounds p^{r} Man Appointed by the Assembly of New York to be Paid them at their Embarkation, without which they are well assured that the Bearer Cannot Prevail on them to Embarke for the Service

As the Bearer had Expended most of his Estate in the Raiseing & Subsisting these Men, till he brought them hither & then Declared his Inability Longer to Subsist them, I have Adventured for the Publick Service to Order some of the money Advanced by this Province for his Majesty for Supplying Cloathing and Arms &^{c} to be applyed for the Subsistance of the Men and shall do So for Ten days or a fortnight Longer in Order to Keep the Men together till Hart's Return from your Excellency, which I hope may be allowed of by his Majesty or General S^{t} Clair, along with the money advanced for Cloathing & Arms And Doubt not your Excellency will Join in Recommending the Allowance of that Sum, as his Majestys Service is the only Motive for that Expence—I am &c.

The President Communicated a Letter from some of the Gentlemen of the Council of New York to whose Care & Direction His Excellency Gov^{r} Clinton had Recommended the Peace & Safety of the City & Lower parts of the Province of New York during his Stay at Albany, Requesting his Honour that for the More Speedy Intelligence & Spreading the Alarm of the Invasion there might be Erected a Beacon on the Highlands of Neversinks, And also that his Honour would Direct the Regiments of the Countys of Essex & Bergen to Repair to the Assistance of the City of New York in Case of an Alarm, And his Excellency the Late Governour of this Province haveing some time before his Death Issued a Proclamation Whereby he Ordered Watches to be Stationed in Several Parts of the County of Monmouth along the Sea Cost, And the Board being Informed that John Little Esq^{r} Lieuten^{t} Collonel & John Bedford Esq^{r} Major of the Regi-

ment of the County of Monmouth were in Town Requested their Attendance & Information how far the Orders in the s[d] Proclamation Relateing to the County of Monmouth had been Complyed with, Who attending accordingly Informed his Honour & the Board that Pursuant to the s[d] Proclamation on the 28[th] & 30[th] days of April Last Watches were Stationed at Squan, Deal and the Highlands of Neversinks all upon the Sea Coast and that these Watches have been from time to Time Releived & are at Present Supplyed from the Regiment of Foot of the County of Monmouth, that the Instructions Given to these Watches are to Give Notice to the next Commanding Officers who have Orders upon such Notice to Call together their Companys & to Send forward the Alarm to the Commanding Officer of the County

Whereupon this Board Advis'd his Honour the President to Issue his Order to the Coll: of the Milita of Monmouth County to the purpose following Vizt.

Sir I am this day Advised by his Majesty's Council that it will be for the Security not only of this Province, but also of the City & Province of New York that a proper Beacon be Sett up & Erected upon the most Convenient Part of the Highlands of Neversinks in Order to Give the Earliest Alarm of the Approach of an Enemy and Do therefore in Pursuance of the s[d] advice Order that a proper Beacon be Erected upon the s[d] Highlands of Neversinks in such Place & in such manner as You shall think most proper, And I do hereby further Order & Direct that You Give or Cause to be Given Orders to the Several Persons who shall be Appointed to Keep watch near the s[d] Beacon when Erected that They do not Presume to Sett Fire to it, without your Order or the Order of one of the Field officers of the Regiment under your Command, or the Order of Richard Saltar, Nathaniel Leonard or Robert Hartshorne or of any one of you or them, but upon the Approach of Six Ships or more the Person then on the Watch is immediately to apply to Some of the Persons above mentioned, who upon such Application is Requested to

Proceed to the s^d^ Beacon and if he Judges the s^d^ Ships to be Enemys he is then to Order the s^d^ Beacon to be Fired, and is to Send immediate Notice to You or to one of the Field Officers of the Regiment of the s^d^ County, who is hereby Required upon Receipt of such Intelligence to Send Notice thereof to Me or to the Commander in Chief of the Province for the Time being

I am &^c^

This Board further Advised his Honour the President to Give Orders to the Collonels of the Regiments of Bergen & Essex to the following Purpose Viz^t^

Sir.

"It has been Represented to Me by the Gentlemen of his Majesty's Council for the Province of New Jersey to whose Care his Excellency the Gov^r^ of that Province has Recommended the Safety of the City & Lower Parts of the Province of New York during his absence at Albany

"That in Case of an Attack upon the City of New York, they would stand greatly in need of Assistance from this Province, Which Representation being Laid before his Majesty's Council for this Province They unanimously Advis'd me to Issue Orders to the Regiments of Bergen & Essex that they should in Case of Alarm Proceed to the Assistance of our Neighbours of New York

I do therefore by & with the advice of his Majesty's Council Order and Require You that upon application from the Governour or Commander in Chief of the Province of New York for the Time Being, or upon Application from his Majesty's Council for that Province You do forthwith & without further orders Call Together & March the Regiment of Foot under your Command, or order such Detachments as shall be Judged necessary to the most Convenient Place for Transporting them into the Province of New York, and When There you are to Obey such orders as shall be Given You by the Commander in Chief of that Province or by his

Majesty's Council of that Province, until you Return into this Government

I am &c

This Board further Advised his Honour the President that he would be Pleased to write to the Gentlemen of the Council of New York, who wrote to him, with Copy of the Preceeding Minutes.

Mr Edward Hart Represented to his Honour the President his Inability of Longer Supporting the Company Raised by him & that They must out of Necessity Disperse, unless his Honour will be Pleased to Advance a Sum of money for their Subsistance; which being Communicated to this Board, They are of opinion that his Honour may Draw an order on the Commissioners for that Purpose, which he does in the Words following Vizt

Gent.

His Majesty's Council having this Day Taken into their Consideration, what was proper to be done with the Company of 100 men, Raised within this Province by Captn Edward Hart & brought to this Town on thursday Last were of opinion that I should Recommend it to his Excellency the Govr of New York to Provide for the Sd Company upon the New York Establishment & for that Purpose should Send the sd Hart with proper Letters to his sd Excellency at Albany, which I have accordingly done & tis Expected that he will Return whith his Excellency's Resolution on that head in about 14 Days, During which Time it was the Opinion of the Council that the Men belonging to the sd Company should be Subsisted at 9d procl. pr Man pr Day, And have Ten Pounds Given them to Induce them to Continue together till sd Harts Return, And as they Conceiv'd it would be greatly for his Majestys Service that the sd 100 Men should be Employed on the Present expedition, & a great Ease to this Province to have them Provided for upon the New York Establishment So they Advis'd that the above

Money and Subsistance should be Paid out of the money struck for his Majesty's Service for Cloathing & Arming the Troops to be Raised in this Province, not Doubting but the whole will be Repaid by General S^{t} Clair upon his Arrival

I do therefore in Pursuance of the s^{d} Advice Order that you Pay to the Commanding Officer of s^{d} Company for the Use of the s^{d} Company the Sum of Ten pounds proclamation Money, And to the s^{d} Commanding Officer for the Subsistance of the s^{d} Company 9^{d} p^{r} man p^{r} Day, till the 27th Ins^{t} inclusive or until the s^{d} Edward Hart's Return from Albany which ever shall first happen And for so Doing this shall be your Warrant Given under my hand & Seal this 13th day of August 1746.

JOHN HAMILTON

M^{r} Antill Represented to the President the necessity there was of a new Commission of the Peace for the County of Middlesex, there not being a Sufficient Number of Justices in s^{d} County And this Board haveing Recommended Joseph Warrel Esq^{r} Attorney General, Charles Read Esq^{r} Secretary Robert Hude, Samuel Nevill, John Heard, James Thomson, James Smith Benjamin Doughty, Pontius Stelle, John Nevill, Nicholas Evertson, William Cheesman jun^{r} Thomas Gach, William Stone, John Stelle, Josias Smith, Runey Runion, Jediah Higgins, & William Hutchinson Whereof Joseph Worrel, Charles Read, Robert Hude Samuel Nevill, John Heard, James Thomson, James Smith, Benjamin Doughty, Pontius Stelle, Nicholas Evertson, Thomas Gach, John Stelle & William Hutchinson to be of the Quorum, His Honour Ordered a Commission to be made out accordingly

This Board Advised his Honour the President to Issue his Orders to the Commissioners appointed to Provide for the Forces Raised in this Province to Acquaint his Honour what Progress they have made & for how many of the Companys they have Prepared the Proper Provisions for their Embarkation, that his Honour may forward these Forces with all the Expedition Possible.

This Board also Advised his Honour to Issue his Orders to the Captains of the Several Companys Raised in this Province, to hold themselves & their Companys in Readyness to march to the Place appointed by his Honour for their Embarkation to the Place of General Rendezvouz, Upon the first Notice they shall Receive from his Honour[1]

His Honour informed the Board that John Honeyman Esq[r] had Applyed to him for Leave to Beat up for Volunteers within this Province and had Produced to him a Warrant from the Governour of New York Empowering him to Raise a Company for this present Expedition against Canada, and at the same Time Representing that if he Could obtain Leave to Raise Men in this Province he Doubted not soon to Compleat his Company, Upon which the President desired the Advice of the Board, who having taken the same into their consideration, And being informed that the several Companys ordered to be Raised in this Province were full Unanimously Advised his Honour to Issue a Warrant & Instructions to the s[d] John Honeyman in the words following Viz[t]

By the Hon[ble] John Hamilton Esq[r] President of his Majesty's Council & Commander in Chief of the Province of New Jersey

Whereas his Excellency the Hon[ble] George Clinton by his Warrant bearing date the day of June 1746 did appoint John Honeyman Esq[r] to Raise a Company of Men in the Province of New York for his Majesty's Service in the intended Expedition against Canada And Whereas the s[d] John Honeyman has Represented to me that he has Reason to Believe he could Complete his Company within this Province if he could obtain My Lycence to Beat up for Volunteers within this Government, I Do therefore by & with the advice of His Majesty's Council Authorise & Empower the s[d] John

[1] The foregoing Journals of the Council, June 4th, 18th and 19th, and August 13th, 1746, are printed in part in N. J. Archives, VI., 367-376, from Papers of Ferdinand John Paris, in the library of N. J. Historical Society.

Honeyman or any Officer by him Employed to Enlist Men within this Province for his Majesty's Service In the intended Expedition against Canada, He Governing himself according to the Instructions herewith Given him And all his Majesty's Officers as well Magisterial as Ministerial are hereby required to be Aiding and Assisting to the s[d] John Honeyman in this Service

JOHN HAMILTON

Instructions to John Honeyman Esq[r]

1[st] With these Instructions You will Receive a Warrant under my hand and seal bearing equal Date with these Instructions, Which You are to Show to the Magistrates of the Town or County where you shall Choose to Beat up, Who will upon Sight hereof give You all possible Assistance & Encouragement

2[d] You are not on any Account to Enlist any Men contrary to An Act of the General Assembly of this Province past in the Last Sessions of Assembly Entituled an Act to Encourage the Enlisting of five hundred Freemen or well Affected Native Indians in this Colony of New Jersey for his Majesty's Service in the present Expedition against Canada, or Contrary to any other Law or Acts of this Colony

3[d] You are not to Enlist or Intice away any Soldier already Inlisted in any of the Companys Raised within this Province without the Leave or Consent of the Captain under whom they Inlisted

4[th] You are by Letter to Informe Me of the Number of Men You shall Inlist within this Province for his Majesty's Service.

5[th] In Case you should be opposed or Wrongfully Hindred in the Execution of this Service You are to Apply Yourself to the Magistrate of the Place where You shall happen to be, and by Letter you are to Informe [me?] of such Opposition or Hindrance that I may Give the Necessary Orders Thereon

Be it remembered that on the Eighteenth day of August 1746, John Cox Esq[r] Presented to the Honourable John

Hamilton Esq[r] Commander in Chief of this Province an Exemplification of a Mandamus in the following Words Viz[t]

George R.

Trusty & Well beloved, We Greet you Well, We being well Satisfyed of the Loyalty, Integrity & Ability of our Trusty and well beloved John Coxe Esq[r][1] have thought fitt hereby to Signify Our Will and Pleasure to you, that forthwith upon Receipt hereof You Swear and admitt him the s[d] John Coxe to be one of our Council of that our Province of New Jersey in America in the Room of John Schuyler Esq[r] who has Desired Leave to Resign his Seat in Our s[d] Council on account of his Private Affairs And for so Doing this shall be your Warrant and so We bid you farewell Given at our Court at Kensington the 24[th] day of September 1745, in the Nineteenth Year of Our Reign

To Our Trusty & Well beloved Lewis Morris Esq[r] our Capt[n] Gen[rl] & Governour in Chief of Our Province of Nova Cæsarea or New Jersey in America & in his absence to Our Commander in Chief or to the President of our Council of Our s[d] Colony for the Time being.

By his Majesty's Command

HOLLES NEW CASTLE

A true Copy from the Entry in the Office of my Lord Duke of New Castle

THO[s] RAMSDEN

And His Honour the President being Satisfyed that a Mandamus for that Purpose had Issued & being also Satisfyed by the Letters that Came with the s[d] Exemplification that the Original Mandamus Was Sent in the Ship Call'd the America, which Ship was taken by the French And being fully Satisfyed of the Writeing of Tho[s] Ramsden Signing the s[d] Exemplification and that he is a proper Person for Certifying such, The s[d] John Coxe thereon (by his Honour the President in

[1] John Coxe was recommended for the Council by Governor Morris, February 1st, 1744-5. See N. J. Archives, VI., 233.

Presence of James Alexander and Robert Hunter Morris Esq^rs of the Council) Took the Several Oaths appointed by Act of Parliament & Signed the Declaration & Oath of Abjuration and then Took the Oath to Perform the Office & Duty of one of His Majesty's Council of this Province

At a Council held at Perth Amboy August 22^d 1746.

Present
The Hon^ble John Hamilton Esq^r President

James Alexander Robert Hunter Morris Esq^rs
John Coxe

His Honour the President Acquainted this Board that he had Receiv'd a Letter from Pontius Stelle Esq^r one of the Commissioners for Victualling & Transporting the Forces to be Raised in this Province Dated the 19^th Inst. Informing him that the Provisions & other Necessarys were all Bought & that the Transports were all Engaged to be ready in four days Whereupon this Board Advis'd his Honour to Issue his Orders to four of the Captains to Embark their Companys from this Place, as soon as they shall Receive Notice from the Commissioners of their being Ready & to March them here immediately for that Intent, And the other Viz^t that under the Command of Campble Stevens Esq^r to Embark from Newark & also Order the Commissioners to make such a Disposition of the Provisions & Transports as will best answer that Plan.

This Board Also Advis'd his Honour to Recommend to the Commissioners the Appointing a Surgeon to Take Care of the Men and to Furnish him with a Chest of Medicines for that Purpose, Agreeable to the Powers Given them by the Act of Assembly, His Honour not haveing any Notice of his Majesty's Appointing one

His Honour acquainted this Board that he had Received Letters from the Captains of the Several Companys Raised

in this Province informing him that the Office or Trust of a Commissary or Steward of the Stores to which They are appointed by the Act of Assembly for Victualling & Transporting the Forces &c. is Absolutely inconsistent with their Duty as Captains, And therefore Refuse to Take upon them that Trust, Whereupon his Honour Desired the Advice of this Board, Who, Considering by the refusal of these Officers to Accept of that Trust, And for want of a necessary Provision in the s[d] Act, the Stores Provided by this Province for the Troops Raised here will be Lyable to be Embezzled for want of a Proper Person to Take Care of Them, Do unanimously Advise his Honour to Recommend it to the Commissioners to Agree with some Discreet Person proper for such a Trust to Undertake the Care of the Stores, Promiseing that such Person as they shall Agree with & Recommend to his Honour shall immediately have his Appointment for that Office.

This Board also advised his Honour to Recommend it to the Commissioners to Furnish the Person who is to have the Care of the Stores, with a Sum of Money sufficient to answer all Charges that may Accrue by Transporting the Stores & Provisions Supplyed by this Province over Land, as in some Places they must be, and that such Person Give Bond to Account for whatever Sum he is so furnish'd with

This Board also Advis'd his Honour to Recommend to the Commissioners the Provideing an Armourer to take Care of the Arms Provided by this Province that They may be always kept in proper Order for Service

This Board also Advis'd his Honour to Acquaint the Commissioners that as soon as the Troops come to this Place, he Intends to Issue Orders for their Immediate Embarkation, and for that End to order them that as soon as any of the Companys are ready for Embarkation to Deliver to the Several Captains the proper Arms Ammunition, Cloathing, Tents & other necessarys Provided according to his former Orders, if no Commissary be then Appointed

His Honour acquainted this Board that none of his Majes-

ty's Commissions are yet come to his hands, and thinking it necessary that some Warrant was proper to be Given by him to the Officers of the several Companys Rais'd in this Province, in order to enable them to Exercise Authority over their Respective Companys, And Desiring the Advice of this Board thereon They are Unanimously of Opinion that Commissions should be Given under his Honours hand & Seal at Arms, by Virtue of the Power Devolved on him by his Majesty's Commission under the Great Seal of England, And ordered that such Commissions be Prepared accordingly Dated the twenty third Instant

This Board also Advised his Honour to Issue Orders to the Captains of the Several Companys for their Embarkation, And also to Draw up & Deliver to them a Sett of Instructions for their better Governing themselves on their Passage to the Place of General Rendezvouz.

At a Council held at Perth Amboy August 30th 1746.

Present
The Honble John Hamilton Esqr President

Edward Antill James Hude Esqrs
John Coxe

His Honour the President Communicated to this Board a Letter he had Received from his Excellency Govr Clinton Acquainting him that the Six Nations of Indians had Declared War against the French and also had solemnly Engaged to Send all their Fighting Men on the Expedition now Carrying on against the French Settlements in Canada in Conjunction with the Forces Raised in the Neighbouring Provinces for that Service.

At a Council held at Perth Amboy September 27th 1746

Present
The Honble John Hamilton Esqr President

Robert H. Morris, Edward Antill, James Hude, John Coxe } Esqrs

His Honour acquainted the Board that Agreeable to the Advice of the Council Given him on the 22d of August Last for the immediate Embarkation of the Companys Raised in this Province He had Issued Orders to the Commissioners Appointed for Arming & Cloathing the Troops to Supply them with the Several necessarys Provided pursuant to Orders he had formerly Given, And also to the Commissioners Appointed to Victual and Transport the Troops to prepare proper Vessels for that Purpose & Ship the Provisions Supplyed by this Province for the Use of the Troops. And being Informed by the Several Commissioners that the Transports Provisions, Arms, Cloathing, Battows & other Necessarys were ready He Gave Orders to the Several Captains of the Companys Raised in this Province immediately to Embarke with the Respective Companys under their Command and Proceed to Albany in the Province of New York, and when There to Obey such Orders as They should Receive from the Commander in Chief of that Province for the Time being, & a Sett of Instructions for their better Government in the Embarkation and Transportations of their Companys to Albany.

His Honour was also Pleased to Inform the Board that Agreeable to the Orders he had Given, four of the five Companys Raised in this Province were Embarked at this Place on the 2d of this Inst with the Arms, Ammunition Provisions, Battows & other necessarys & Sett Sail for Albany on the 3d of this Instant, And that the other Company was Embarked at Newark on the 30th of August Last with the several necessarys & sett Sail on the 1st of this Instant for Albany.

He also Informed the Board that by Letter from His

Excellency Governour Clinton dated the 19th Inst He had Received Intelligence that the Troops then At Albany were to be Joined by 2500 Men from the Governments of Boston and Connecticutt and were to Proceed under the Command of Genrl Waldo to Crown Point, Upon which he observ'd to the Board that the five Companys Sent from this Province had no Field Officer to Command Them and that he had not received any Commissions from his Majesty for that Purpose & Desired the Advice of the Board what to do on this occasion—who takeing the Same into their Consideration are Unanimously of Opinion that it will be greatly Prejudical to his Majesty's Service to Suffer the Troops Raised in this Province to Go upon Duty without some Field Officer or Person to have the Chief Comand of them under Genrl Gooch or such other General as shall be appointed to Command, And therefore Advis'd his Honour to Issue a Commission to some proper Person by virtue of the Powers Devolved on him by his Majesty's Commission under the great Seal of Great Brittain, appointing such Person Colonel of the Forces Raised in this Province for the intended Expedition—And Unanimously Recommended to his Honour Peter Schuyler Esqr[1] a Gentleman well known to the Several Members of this Board of good Estate & Reputation and very proper to be by him Commissionated for that Purpose

This Board being Informed that one of the Beacons Erected on the Highlands of Neversinks by the Order of his Honour the President agreeable to their Advice to him on the 13th of August Last, had been by Accident Lately Sett on Fire in the Night Time & also that no Notice had been Taken of it by the Persons Appointed in the Government of New York to Take & Communicate such an Alarm, Whereupon They Unanimously Advise his Honour the President to

[1] Col. Peter Schuyler was born in Bergen county (near the present Arlington, Hudson county), N. J., and was a son of Arent Schuyler, discoverer and first owner of the Schuyler Mines in that county. He died at his residence, on the Passaic, opposite Newark, November 17th, 1762. A half-length portrait of him, in oil, dressed in a military costume, is in the collection of the N. J. Historical Society. See N. J. Historical Society Proceedings, I., 53, 58, 178, 179; Smith's New York, II., 224, 257, 265; Smith's New Jersey, 493; Whitehead's Perth Amboy, 114, 115, note.

Inform the Gentlemen of his Majesty's Council of that Province of the neglect of the Watch Stationed There, in Order that They may Take such Steps as will Prevent the Like for the Future

At a Council held at Perth Amboy October 31st 1746.

Present
The Honble John Hamilton Esqr President

John Reading, Richard Smith, Robt H. Morris, Edward Antill, Esqrs
James Hude

Resolved that an Humble Address be Presented to his Majesty to Congratulate him on the Success of his Arms under the Command of His Royal Highness the Duke of Cumberland against the Rebels & to acknowledge the many & great Blessings the People of this Province Enjoy under His Majesty's Auspicious Reign

Ordered that Mr Smith & Mr Morris Prepare & Lay before the Board the Draught of an Address from the President & Council of this Province to His Majesty accordingly

At a Council held at Perth Amboy November 1st 1746

Present
The Honble John Hamilton Esqr President

John Reading, Richard Smith, Robert H. Morris, Edward Antill, Esqrs
James Hude

Mr Smith & Mr Morris Laid before the Board a Draught of an Address to His Majesty Ordered yesterday, which was Read & Approved of And is as follows Vizt

To the Kings most Excellent Majesty
The Humble Address of the President & Council of the Province of New Jersey

Most Gracious Sovereign

We Your Majesty's most Dutyfull & Loyall Subjects the President & Council of your Majesty's Province of New Jersey Beg Leave in the most hearty manner to Congratulate Your Majesty on the Success of Your Arms under the Command of his Royal Highness the Duke of Cumberland over the Avowed Enemys of Your Majesty's Sacred Person your Royal House & of the Libertys and Happiness of the British Nation. Your Majesty's happy Reign, throughout the whole of which you have Made the Laws of the Land the Rule & Measure of your Government has Justly Fixed in the Minds of your Subjects a Gratefull Sense of the Many Blessings they Enjoy under your Majesty's wise & Prudent Administration

The Antient and most Inveterate Enemys of the British Nation have with Grief Beheld the Happyness They Enjoyed under Your Majesty's Auspicious Reign, And Contrived, Encouraged & Carryed on the Late Unnatural Rebellion in Order to Deprive Your Subjects of that invaluable Blessing & to Entail upon the British Nation the Misery of Living under a Popish & Arbitrary Government Dictated by Romish Superstition and French Politicks

May your Majesty Long Continue to Govern a Gratefull People made happy Rich & Glorious by your Majesty's wise Influence & may the Divine being from his Love of Justice Prosper all your Majesty's Undertakeing for the Good of your People and bless your Majesty with the Returns of Duty Love & Affection are the hearty & Sincere Prayers of &c

A Journal of the Proceedings of His Majesty's Council for the Province of *New Jersey*, at a Session begun and holden at the City of Perth Amboy.

The House met on Wednesday June 11th 1746 agreeable to His Majestys Writt of Prorogation to 1 Novr 1746

Present.

The Hone John Reading
James Alexander
Robert Hunter Morris
Edward Antill
James Hude
} Esqrs

The House Continued till Thursday June 12th

Present.

The Hone John Reading James Alexander
Robert Hunter Morris Edward Antill James Hude
} Esqrs

His Honour the President came into Council & a Message from the House of Assembly by Mr Stelle & Mr Cooper being delivered to him acquainting him that a Sufficient Number of the Representatives were met to proceed on Business, he was pleased to order the Clerk of the Council to require the Attendance of that House immediately at the Council Chamber, And they Attending His Honour was Pleased to make a Speech to both Houses in the words following.

Gentlemen of the Council and Assembly,

The Government of this Province having [devolved upon me?] by the Death of his Excellency Lewis Morris Esqr late Governor of this Province and by Virtue of His Majestys Letters Patent, which Constituted him Governor; I take this Oppertunity to acquaint you thereof and that on the first day of this Month I received a Letter from the Duke of New Castle His Majesty's Principal Secretary of State, directed to His Said Excellency or the Commander in Chief of this

Province for the time being, with other Letters to the Governors of his Majestys Colonys on this Continent to the Southward as far as Virginia which I immediately forwarded by an Express to the Governor of Pennsylvania which Letter I Laid before you Gentlemen of the Council on the fourth Instant who thereon Unanimously advised me forthwith to meet the General Assembly of this Province, and by reason of my present ill state of Health to prorogue them to meet here upon the Eleventh day of this Instant, being the Shortest time that was conceived possible to give Notice thereof to the Severall Members and for them to meet: and I forthwith Sent Expresses to the Several Members of the General Assembly to meet here accordingly.

The Matter that will demand your earliest care, & which I am commanded by his Majesty to recommend to you in the Strongest Manner is the joining heartily in promoting the Expedition which his Majesty has been pleased to undertake against the French at Canada, This Undertaking the particulars of which you will See by the Duke of New Castle's Letter (the Contents whereof I shall order to be laid before you) Seems So Justly calculated for the Benifit future Safety and perpetual peace of all his Majesty's Colonies on the Continent of America, that we cannot Enough admire his Majesty's Royall Goodness and favour towards his American Subjects manifested on this Occation: And therefore I cannot in the Least Doubt but you will Exert yourselves at this time, and fall upon the most effectual measures to promote and encourage an undertaking so Beneficial to us all and thereby Show your Duty to the best of Kings, and your Zeal for the Interest of your Country, which nothing can advance more than the Success of this Expedition.

I shall avoid laying any Business before you at present which may interfere with your immediate consideration of what I have recommended to you, or is not necessary to be gone through for promoting it, & Shall Supply what I have omitted here, in respect of other Exigincies of this Province by Subsequent Messages.

Gentlemen.

As this Expedition is of the utmost Importance to us all, the Season of the year far advanced, and the time you have for Acting your part of necessity must be Short; I heartily recommend to you the utmost Zeal Unanimity and Dispatch in the Business under your Consideration.

JOHN HAMILTON

And the House of Assembly having left the Chamber his Honour withdrew.

Ordered that his Honours Speech be read which was read accordingly.

Resolved

That an Humble Address be presented to His Honour in Answer to his Speech

Ordered

That M^r^ Alexander M^r^ Morris and M^r^ Hude or any two of them be a Committee to prepare & lay before the House a Draught of an Address to his Honour.

The House Continued till Fryday June 13^th^

Present

The Hon^e^ John Reading
James Alexander
Robert Hunter Morris
Edward Antill
James Hude
} Esq^rs^

M^r^ Morris from the Committee appointed to prepare a Draught of an Address to his Honour reported that they had Accordingly prepared the Draught of an Address which he was ready to lay before the House when they would please to receive the Same

Ordered.

That it be laid before the House Immediately.

The Said Draught being ready was approved of and is as follows,

To the Honourable John Hamilton Esq[r] President of His Majestys Council and Commander in Chief of the Province of New Jersey.

The Humble Address of His Majestys Council for the said Province in General Assembly met.

We His Majestys Council for the Province of New Jersey take Leave to return your Honour our most hearty thanks for your Speech upon the Subject of the intended Expedition against the French Settlements at Canada.

This Expedition which has taken its rise from his Majestys Care of these his remote Dominions and from his Royal Consideration of the many Dangers and Insults his Subjects here are continually exposed to, fill our minds with a just Sence of His Majesty's Paternal Care and Goodness.

With hearts filled with Gratitude towards the best of Kings we beg leave to assure your Honour that we shall heartily join in promoting and Encourageing this important Service and as well in our private as our public Capacity, we shall make it our business as we think it our Duty to give all the encouragement in our power to an Undertaking the Success whereof cannot but be productive of Lasting benifits to the Trade & Commerce of Britain and to all His Majestys Colonys on the Continent of America.

Ordered,

That the said Address be Engrossed.

Ordered

That M[r] Morris do wait on his Honour the President, and Acquaint him that this House have Agreed to an Address to His Honour and desire to know whom[1] he will be pleased to receive the same.

M[r] Morris Reported that he had waited on His Honour to know when he would please to receive the Address and he was pleased to appoint this afternoon at three o'clock.

The House Continued till 3 O'Clock P. M.

[1] When.

Present

The Hon^{e} John Reading
James Alexander
Rob^{t} Hunter Morris } Esq^{rs}
Edward Antill
James Hude

The House according to His Honours appointment waited on his Honour with their Address and being returned M^{r} Speaker Reported that they had waited on His Honour with their Address, to which he was pleased to Return the following Answer.

Gentlemen.

I return you my hearty thanks for this kind Address, the Gratefull Sence you Express of His Majestys care and goodness and your Zeal for the Interest of your Country is highly pleasing to me; I sincerely wish our Joint Endeavours may be attended with Success, and Shall through the whole course of it greatly depend on you for your advice and Assistance in this Important affair.

JOHN HAMILTON.

The House Continued till Saturday June 14th

Present.

The Hon^{e} John Reading, James Alexander, John Rodman } Esq^{rs}
Rob^{t} H. Morris, Edward Antill, James Hude } Esq^{rs}

His Honour the President came into the House and having received a Message from the House of Assembly by M^{r} Low and M^{r} Hancock desiring to know when that House might attend him with their Address was pleased to order the Clerk to Acquaint that House that he was ready immediately in the Council Chamber.

The Clerk of the Council having delivered the Message from His Honour to the House of Assembly they accordingly

came to wait on his Honour with their Address which is in the words following.

To the Honourable John Hamilton Esq^{r} President of His Majestys Council. and Commander in Chief of the Province of New Jersey.

The Humble Address of the House of Representatives of the Colony of New Jersey in General Assembly met.

May it Please your Honour

We His Majestys most dutifull and Loyal Subjects the Representatives of the Colony of New Jersey now in General Assembly Convened humbly beg leave to return your Honour our hearty thanks for your favourable Speech to both Houses. We readily acknowledge what you have been pleased to communicate to us, that the Government of this Province had devolved on you by the Death of His Excellency Lewis Morris Esq^{r} late Governour thereof, and by virtue of His Majestys Letters Patent which Constituted him Governor.

We are sorry for your Honours present ill State of Health, and heartily wish you a good Recovery; towards which we beg leave to assure you we will Contribute all in our power by using our Utmost Endeavours to render your Administration quiet and Easie.

Your early care and great Diligence in immediately sending Expresses and convening the General Assembly of this Colony upon this Extraordinary Occation we look upon as an Instance of your Hearty Attachment to the Common Cause.

We on our parts forthwith proceeded to take the Matter referred to in your Honour's Speech into our Serious Consideration, And we agree with you that we cannot Enough admire his Majestys Royal Goodness and favour towards his American Subjects manifested in the Expedition he has been pleased to order against the French at Canada. An Undertaking we own to be justly calculated for the benifit future Safety and perpetual peace of all His Majestys Colonies upon

the Continent of America, and which we gratefully acknowledge as a fresh Instance of His Paternal care of us, and that he is not Unmindfull of the Welfare and Preservation even of his remotest Subjects.

And to shew our Zeal and Sincerity upon this Important Occation we have already resolved to provide for five hundred Volunteers to be raised in this Colony for the present Expedition in the following Manner.

We have unanimously resolved to give a Bounty of Six pounds to every private Soldier (being a Freeman) or Native well affected Indian who shall inlist in the Said Service, besides the Pay allowed them by the King.

We have unanimously resolved to furnish them with provisions and other Necessarys thereto appertaining agreeable to his Majestys Royall Will & Pleasure Signified in the Duke of New Castle's Letter.

We have also taken that part of His Graces Letter into our Consideration which relates to Arms and cloathing for the Men to be raised, and which is recommended to the Care of the Several Governors to provide, and not knowing of any Publick Money which you can apply for this Service, therefore to render your Honours Administration the More Easie, and to shew our honest and hearty Intentions to promote and forward every projection that may tend to the Publick Good we have also Unanimously resolved to furnish the Voluntiers which shall be raised in this Colony as aforesaid with Arms Ammunition and Such Cloathing as our Present Circumstances will admit of, as doth Appear by our Said Resolves, And shall order an Accompt of this part of the Supplies to be laid before your Honour desiring you to apply to Lieutenant General S^{t} Clair, for a reimbursement thereof to the Province, whom his Majesty hath Authorized, and impowered to make a reasonable allowance for defraying that Expence as appears by the Duke of New Castle's Letter aforementioned.

And we shall proceed to take unto our further considera-

tion the ways and Means of raising this Supply in a Method the most Expeditious & Least Burthensome to the people we represent, & suitable to the present low Circumstances of the Colony for which purpose we have added a Bill to be brought into our House for making current twenty thousand pounds in Bills of Credit and for applying so much of the said sum as shall be Necessary for the Present Service and also making provision therein for sinking the said Bills of Credit, without which Paper Credit it would be impracticable for us at present to raise the Money any other way, not doubting of His Majestys Royal Favour & Good Disposition towards his Loyal Subjects of New Jersey, in approving of their Proceedings upon this Sudden Emergency.

We beg leave to observe to your Honour that what we have now and heretofore done upon Such like occations hath always been with the greatest chearfulness and Dispatch in which we have exerted our Selves to the Utmost of our power and Abilities for the Advancement of His Majestys Honour and the Common Goods of His Subjects and have thereby Shewn our duty & Loyalty to the best of Kings and our Zeal for the Interest of our Country.

By order of the House.

ROBERT LAWRENCE Speaker.

To which His Honour was pleased to return the following Answer.

Gentlemen.

I heartily thank you for this Address. The gratitude you therein Express for His Majestys goodness, and the Zeal and Unanimity with which you have proceeded and resolved to proceed in answering his Just Expectations cannot but greatly recommend you to his favour and to the good will of all who have the Interest & Safety of the British Colonies at Heart.

The Assurances and Marks you give of your Endeavours to render my Administration quiet and Easie I gratefully accept and in return Assure you, that I shall not be wanting

in what's in my power to do, for the public Good, and Honour and Interest of this Colony.

And then the House of Assembly withdrew.
The House Continued till,

Wednesday June 18th

Present

The Hon^{e} John Reading, James Alexander, John Rodman } Esq^{rs}
Rob^{t} H. Morris, Edward Antill, James Hude } Esq^{rs}

The House Continued till

Thursday June 19th

Present.

The Hon^{e} John Reading, James Alexander, John Rodman } Esq^{rs}
Rob^{t} H. Morris, Edward Antill, James Hude } Esq^{rs}

The House Continued till

Fryday June 20th

Present

The Hon^{e} John Reading, James Alexander, John Rodman } Esq^{rs}
Rob^{t} H. Morris, Edward Antill, James Hude } Esq^{rs}

The House Continued till

Saturday June 21st

Present.

The Hon^{e} John Reading, James Alexander, John Rodman } Esq^{rs}
Rob^{t} H. Morris, Edward Antill, James Hude } Esq^{rs}

The House Continued till Tuesday June 24th

Present.

The Hone James Alexander
John Rodman
Richard Smith
Rob Hunter Morris
James Hude.
} Esqrs

The House Continued till Wednesday June 25th

Present.

The Hone James Alexander
John Rodman
Richard Smith
Robt Hunter Morris
James Hude
} Esqrs

Mr Nevill and Mr Stelle from the House of Assembly presented for the concurrence of this House the Bill Entituled An Act to encourage the Enlisting five hundred Freemen or Native well affected Indians in this Colony of New Jersey for His Majestys Service in the Present Expedition against Canada for making Provision for their Subsistance for four months for Transporting them to Albany in the Province of New York and for the Defraying the Expence thereof out of the Interest money arising by the Loans of the Bills of Credit of this Colony,

Which Bill was read and Ordered a Second reading.

The House Continued till Thursday June 26th 1746.

Present.

The Hone James Alexander
John Rodman
Richard Smith
Robt H. Morris
Edward Antill
James Hude
} Esqrs

The Bill Entituled an Act to Encourage the Enlisting five hundred Freemen or Native well affected Indians &c. was read a Second Time and referred to the Gentlemen of the Council or any three of them.

The House Continued till 3 P. M.

Present

The Hon^{e} James Alexander
John Rodman
Richard Smith
Rob^{t} Hunter Morris
Edward Antill
James Hude
} Esq^{rs}

M^{r} Low and M^{r} Spicer from the House of Assembly Presented for the Concurrence of this House a Bill Entituled an Act for making current ten thousand Pounds in Bills of Credit to Enable the Hon^{ble} John Hamilton Esq^{r} Commander in Chief of this Colony or the Commander in Chief for the Time being to Defray the Expence of Arming and Cloathing the forces to be raised in this Colony for his Majesty Service in the Present Expedition against Canada & Directing the Method of Sinkin g the said Bills of Credit

Which Bill w s read the first Time & Ordered a Second reading.

The House Continued till Fryday June 27th

Present.

The Hon^{e} James Alexander
John Rodman
Richard Smith
Rob^{t} Hunter Morris
Edward Antill
James Hude
} Esq^{rs}

The Bill Entituled An Act for Making Current ten thousand pounds in Bills of Credit to Enable the Hon^{e} John

Hamilton Esq^{r} &c. was read a Second time and Committed to the Gentlemen of the Council or any three of them.

M^{r} Hude from the Committee to whom the above Bill was referred reported the Same without Amendment.

Which Bill having been read the third time.

Resolved

That the same do pass.

Ordered that the Speaker do Sign the Same.

M^{r} Morris informed the House that His Honour the President was willing to Extend His Majestys Mercy to any person guilty of any Crime under the Degree of Felony without Benefit of Clergy, who should Voluntarily Enlist and Serve on the Present Expedition against Canada and was willing that the same might be Enacted.

M^{r} Morris from the Committee to whom the Bill Entituled An Act to Encourage the Enlisting of five hundred Freemen or Native Well Affected Indians for His Majestys Service &^{c} was referred reported the Same without Amendment.

Ordered

That the said Bill be read the third Time.

Resolved

That the Same do pass.

Ordered

That the Speaker do sign the Same.

Ordered

That M^{r} Hude do acquaint the House of Assembly that the Bill Entituled An Act to Encourage the Enlisting of five Hundred Freemen or well affected Native Indians in this Colony of New Jersey for his Majesty's Service in the present Expedition against Canada &^{c} And also the Bill entitled An Act for making current Ten thousand pounds in Bills of Credit to Enable the Hon^{e} John Hamilton Esq^{r} Commander in Chief of this Colony or the Commander in Chief for the time being to defray the Expence of Arming and Cloathing the forces to be raised in this Colony for his Majestys Service in the Present Expedition against Canada and directing the

Manner of Sinking the said Bills of Credit were Severally passed by this House this day.

The House Continued till, Saturday June 28th

Present

The Hon^e John Alexander[1] Esq^r Presid.

James Alexander
John Rodman
Richard Smith
Rob^t Hunter Morris
Edward Antill
} Esq^rs

His Honour the President having by the Secretary Commanded the Attendance of the House of Assembly they Attended and His Honour was Pleased to give his Assent to the following Bills.

1. An Act to Encourage the inlisting of five hundred Freemen or Native well Affected Indians in this Colony of New Jersey for His Majesty's Service in the Present Expedition against Canada: For making Provision for their Subsistance for four months For transporting them to Albany in the Province of New York: And for defraying the Expence thereof out of the Interest Money Arising from the Loans of the Bills of Credit of this Colony.

2. An Act for making Current ten thousand pounds in Bills of Credit to Enable the Honourable John Hamilton Esq^r Commander in Chief of this Colony or the Commander in Chief for the time being to defray the Expence of Arming & Cloathing the forces to be raised in this Colony for His Majestys Service in the Present Expedition against Canada, and Directing the Manner of Sinking the said Bills of Credit.

Then was pleased to make the following Speech.

Gentlemen of the General Assembly.

I thank you for this Seasonable Supply for promoting the Expedition, and for your Zeal & Dispatch in the Grant of it.

[1] Clearly an error, for John Hamilton.

Gentlemen of the Council & General Assembly.

There have been two most notorious Riots at Newark[1] in the County of Essex where His Majestys Authority and Laws have been treated with the greatest Disrespect and Contempt. His Goal there was twice broke open, and the Prisoners therein Lawfully Detained were Taken out and carried away in Triumph: His Majestys Known Officers beat & abused in the Lawfull Exercise of their Offices and this was done at one time by about 150, at the other by upwards of 300 Men, and at both times they gave out that they could have twice the Numbers if they were necessary, and all this was done for no other reason but because a Man was Sued in a Common Action of Trespass, for cutting Timber on Some Lands that he had a claim to: And it was then and I am told is now given out that those people will not Suffer any Legal Process to be Executed on any Man that Lives on Lands held by an Indian Right, and boast that their Numbers are So great, that they are not afraid of being punished for these Crimes. All the Methods that it was prudent for the Government to Use have been taken to put a Stop to this growing Evill, and it appears that They have all proved ineffectual and it has not been in the power of the Government hitherto to bring any of the Delinquents to Justice. Upon this I think it my Duty to observe to you that So open avowed an Attempt to throw off their Dependance on the Crown of Britain, and flying in the Face of the Government and obstructing the Course of Legal Proceedings and owning and avowing this & boasting in their Numbers and Strength to protect themselves against the Laws is of Such dangerous Consequence to his Majestys Authority in his Plantations, that unless we Fall upon Measures effectually to punish it for the time passed, and by Severe Laws to prevent things of that Nature for the Time to Come we shall have reason to fear the Resentment of His Majesty and a British Parliament which may be too heavy for us to bear.

I therefore in His Majestys Name recommend to you to

[1] See N. J. Archives, VI., 297, 397.

proceed with the utmost Dispatch in Such vigorous Measures as may be most conducive to restore the Peace and Tranquillity of the Province that the Laws may again have their due course, and his Majestys Subjects may be again at Liberty to take the Benifit of those Laws.

You can't be Ignorant that the Government has been without any Support for Nigh two years and that there is a Considerable Debt due to y^e^ Several Officers of the Government, and those whose time has been employed in the Service of the Public: I must therefore recommend to you to make provision for the payment of those Debts and for the future payment of the Government, which I Shall Expect will be done in as ample a Manner as has been hitherto Usual.

My love for the Province will be a Sufficient Inducement to me to do every thing for its Interest and Prosperity consistent with His Majestys Royal Instructions.

These things Gentlemen are what I have at Present to recommend to your Consideration but if your continuing Longer together at this Busy Season of the year will be prejudicial to your Private Affairs I am willing to grant you a Recess, and you have my Leave to adjourn yourselves for a fortnight at a time until I shall by Circular Letters order you to Meet; or you may Now proceed to Business.

JOHN HAMILTON.

At a Council Held at Perth Amboy October 23^d^ 1746

Present

The Hon^ble^ John Reading Esq^r^ Speaker
Richard Smith Edward Antill Robert H. Morris } Esq^rs^
James Hude John Coxe

M^r^ Stelle informed the House that M^r^ Kearny & himself were Ordered by the House of Assembly to bring up two Bills, the one Entituled an Act for the Support of Government of His Majesty's Colony of New Jersey for one Year to

Commence the 22d day of May 1746, And to End the 22d day of May 1747, And to Discharge the Arrearages & Contingent Charges Thereof And the other Entituled an Act to make Current Eight hundred & fifty pounds in Bills of Credit for the further Victualling the Forces Lately Raised in New Jersey on an Expedition against Canada for their Concurrence.

The Bill for the Support of Government &c was Read the first Time and Ordered a Second Reading

The Bill to make Current Eight hundred & fifty pounds in Bills of Credit for the further Victualling the Forces &c was Read the first Time and Ordered a Second Reading. Then the House Continued till 3 o'Clock P. M.

At 3 o'Clock P M. The House Mett &

Present as above

The Bill to make Current Eight hundred fifty Pounds in Bills of Credit for the further Victualling the Forces &c was Read the Second Time and Committed

The House Continued till to toMorrow Morning 9 o'Clock

October 24th The House Mett

Present
The Honble John Reading Esqr Speaker.

Richard Smith, Robert H. Morris, Edward Antill, James Hude } Esqrs
John Coxe

The Bill for the Support of Government &c was Read the Second Time On which this House are Unanimously of Opinion that the sd Bill Ought to be rejected for the following Reasons

1st For that in the sd Bill no Sallery is Given to a Gover-

nour from the 23d of September 1744, to the 21st of May 1746, Although it is well known to Us that a Governour duly Commissioned did Reside among Us during that Time, And that by him the Government all that Time was duely and Justly Administered, and that no Reason either in the sd Bill or otherwise Appears to this House for that Omission

2d For that in the sd Bill Provision is made for the Services done by the Members of the Council, the Representatives of the Province & sundry Officers of the Government from the year 1743, Whereas sufficient Provision has been made for the Same to the 23d of September 1744, by an Act Passed in the year 1743, for the Support of the Government And for Sundry other Defects in the sd Bill

Mr Morris from the Committee to whom the Bill Entituled an Act to make Current Eight hundred & fifty pounds in Bills of Creditt &c was Referred Reported the Same without Amendment

Ordered that the sd Bill be Read the third Time which was done accordingly

Resolved that the Same do Pass

Ordered that the Speaker do Sign the same

Mr Morris from the President informed the House that it was his Pleasure They should Continue till Wednesday next being the 29th Inst, And then to Meet at this Place

And the House Continued accordingly

October 29th The House Mett

Present

The Hone John Reading Esqr Speaker

Richard Smith, Robert H. Morris, Edward Antill, James Hude } Esqrs

The House Continued to October 30th

The House Mett Present as Yesterday And Continued to October 31st

The House Mett Present as Yesterday And Continued to November 1st

The House Mett Present
The Honble John Reading Esqr Speaker

Richard Smith	Edward Antill	Esqrs
Robert H. Morris	James Hude	

Ordered that Mr Smith do Wait on the House of Assembly & Acquaint Them that the Bill Entituled an Act to make Current Eight hundred & fifty Pounds in Bills of Creditt &c Passed this House on the 24th day of October Last And that They have no further Business before Them

Mr Smith Reported that he had Obeyed the above Order

His Honour the President Came into Council & haveing by the Secretary Commanded the Attendance of the House of Assembly They attended accordingly And his Honor was Pleased to Give his Assent to the following Bill

An Act to make Current Eight hundred and fifty Pounds in Bills of Creditt for the further Victualling the Forces Lately Raised in New Jersey on an Expedition against Canada And it was immediately Published in the Presence of both Houses

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Att a Council held at Perth Amboy in the Province of New Jersey December 8th 1746.

Present
The Honble John Hamilton Esqr President

Robert Hunter Morris James Hude Esqrs
John Cox

His Honour the President having received Information upon Oath that one Thomas Clawson[1] together with diverse

[1] See N. J. Archives, VI., 117.

other Persons who lately broke open the Goal in the County of Somerset have Threatened to bring a number of Men from Newark & other parts of this Province & with Force & Arms, with the assistance of those Men, to Pull down or Ransack the house of Samuel Nevill Esq^{r} one of his Majesty's Judges of the Court of Pleas for the County of Middlesex in open Violation of the Laws of this Province & Contempt of his Majesty's Authority, Which being Communicated to this Board & his Honour Desireing their Advice & Assistance Thereon, They are unanimously of Opinion that a Warrant should Issue to the Sherriff of the County of Middlesex or to his Lawfull Deputy Commanding them or either of them to apprehend the s^{d} Thomas Clawson or any other Person or Persons who shall Assemble Themselves together for that Purpose & them safely & Securely Keep in his Custody untill they shall be delivered therefrom by due Course of Law. And also (if necessary) to Raise the Posse of s^{d} County & Cause them to be armed & arrayed in a Warlike Manner & in Case the s^{d} Sherriff & his Deputy or either of them should be Resisted in Executing the s^{d} Warrant then to Use that Force to Repell such Resistance.

Ordered that a Sett of Instructions be given to the s^{d} Sherriff or his Deputy for their better & more Effectual Execuleing the above mention'd Warrant.

Att a Council held at Perth Amboy in the Province of New Jersey December 9th 1746.

Present

The Honble John Hamilton Esq^{r} Presid^{t}

Robert Hunt: Morris James Hude Esq^{rs}

John Cox

His Honour the President being duely informed that Severall evill Dispos'd Persons within this Province have at

Diverse Times Assembled themselves together in a tumultuous & Riotous Manner & have with Violence broke open the Goals of the Countys of Essex & Somerset & Delivered & Rescued from thence Diverse Prisoners Legally Confined therein by due Process of Law regularly Issued out of the Supream Court of Our Lord the King for this Province have Beat and Abused his Majesty's known Officers in the Lawfull Exercise of their Respective Dutys And have also with force & Arms Removed divers Persons from the quiet & Peaceable Possession of their Plantations without Pursueing the Regular Course of the Law And that Numbers of People in different Parts of this Colony have Associated themselves together with the s^{d} Rioters & Entered into a Combination & Confederacy to Obstruct the Course of Legal Proceedings and Protect themselves ag^{t} the Laws of the Country in open Violation thereof which his Honour Communicated to this Board & Desiring their Opinion what Steps are necessary to be taken in order to putt a Check to so growing and dangerous a Confederacy do Unanimously advise his Honour to Issue a Proclamation under his hand & the Seal of the Province Commanding the Sherriffs of each County within this Province that They Apprehend & Take any Person or Persons who shall unlawfully Assemble themselves together in tumultuous & Riotous Manner & them safely Keep in the Goal of the County where they shall be so taken untill they are Delivered from thence by due Course of Law And also Commanding each of the s^{d} Sherriffs (if they shall Judge it necessary) to Raise the Posse of their several Countys & Cause them to be Armed & Arrayed in a Warlike manner and in Case the s^{d} Sherriffs or those Acting under them are Resisted in the Execution of the s^{d} Proclamation then to Use that Force to Repell such Resistance, And also Commanding all Officers Civil and Military & all other his Majesty's Liege Subjects to be aiding Assisting & Obedient to the s^{d} Sherriffs in the Execution of their Respective Dutys thereby Required.

Att a Council held at Perth Amboy in the Province of New Jersey December 10th 1746.

Present
The Honble John Hamilton Esqr Presidt

John Reading, Robt H. Morris, James Hude, John Cox } Esqrs

The Proclamation Advis'd Yesterday, was Prepared Examin'd and Approved of and Ordered to be Published

Ordered that the Proclamation (after it is Published) be sent to Mr Franklin Printer in Philadelphia with Directions to him to make one hundred Copys of it and send them to his Honour the President, who is to send Ten Copys of it to every Sherriff in the Province Commanding them to Fix up some of them in the most Publick Places & Disperse the others as they think proper within their Several Bailiwicks.

Ordered that a Sett of Instructions be prepared & Sent to every Sherriff with the Copys, of the Proclamation for their more Effectual Putting the same in Execution

Agreed & Ordered that a Proclamation be made out immediately under the President's hand & the Seal of the Province with a Sett of Instructions & sent to the Sheriff of Somerset

Att a Council held at Perth Amboy in the Province of New Jersey March 18th 1746.

Present
The Honble John Hamilton Esqr Presidt

Robert H. Morris Edward Antill Esqrs
John Cox

His Honour Communicated to this Board a Letter he had Received from Peter Schuyler Esqr Colonel of the New Jersey Regiment at Albany dated the 26th of February Last

Informing him That the Men were Generally in Health, but that They were in want of a Surgeon's Mate & Medicines, Shirts for the Soldiers, Flints & Colours, that the Bread & Pease were expended & that he had Purchas'd those Articles & that the Beef & Pork would be expended by the twentyeth of March, and Desired the Advice of the Board on this Occasion And thereupon the Council Advis'd his Honour to order the Commissioners for Arming & Cloathing the Forces raised in New Jersey to Certify to him what money Remained of the Ten thousand Pounds Lent by the Province of New Jersey to his Majesty, and also to Direct the Victualling Commissioners to Certify to him what Provisions were sent by them to Albany & what Sum Remained in their hands. And if it should appear to his Honour that the Commissioners have not Money in their hands to Supply the Regiment with Necessarys Then They advise his Honour to call together the General Assembly in Convenient Time to Request a further Supply for the s^{d} Forces

His Honour Acquainted the Board that there being an Absolute Necessity that his Majesty & his Ministers should be Informed of the State and Condition of this Province of the many great Riotts, Publick Breaches of the Peace & other Contempts of His Majesty's Authority & Laws & finding himself in a bad State of Health He had Requested M^{r} Alexander & M^{r} Morris two of the Members of this Board to Lay such a State of the Province before his Majesty's Principal Secretary of State & Lords Commissioners for Trade & Plantations, His Honour also acquainted the Board that he had Receiv'd a Letter from those Gentlemen dated at New York January the 7th which he Communicated to this Board And also Laid before them several Letters wrote by the s^{d} Alexander & Morris to his Grace the Duke of Newcastle & the Lords Commissioners for Trade & Plantations, And also a State of Facts Relateing to the severall Riotts & other Disturbances in the Province which those Gent^{n} had drawn up & Sent home to his Majesty's Ministers & Desired the Board would Look over & Examine the s^{d} Letters &

State of Facts, and if any material Fact was omitted or anything misrepresented that they would mend it in such Part Whereupon the the s^d^ Letters were Read & the Board took Time to Consider them & the State of Facts till to Morrow, And ordered that the s^d^ Letter from Mess^rs^ Alexander & Morris to his Honour should be Entred upon the Minutes And is as follows

New York January 7^th^ 1746/7

Sir

In Pursuance of your Request to Us (because your ill State of Health disabled you) to Lay a State of the Province of New Jersey before his Majesty's Secretary of State & Board of Trade, We accordingly made such State from the Vouchers Referred to on the Mergine thereof & Sent one Copy thereof with a Letter to the Duke of New Castle & annexed to that State the following Vouchers Viz^t^

The New York Weekly Post Boy of February 17^th^ 1745/6

The Publication of the Council of Proprietors of March 27^th^ 1746.

M^r^ Nevil's Speeches to the Assembly in Answer to the Newark Petitions in Post Boys of May 19^th^ & 26^th^

Proposeals of the Rioter's Committee to the Assembly which were Delivered to the Gov^r^ with s^d^ Petitions.

Johnston's Affidavit of Delivery of Notice of the Matter of Ogden's Penult Paragraph of his Letter Printed in s^d^ Publication Page 9, which Notice was Denyed by s^d^ Proposeals

Letter of June 30^th^ 1746, Of the Council of Proprietors Complying with s^d^ Proposeals of the Rioter's Committee

Affidavit of Service of it, & Copy Declaration in Ejectment

Paper delivered by Nathaniel Camp one of the Rioters Committee to Elisha Parker Attorney of the Proprietors in answer to the s^d^ Letter of June 30^th^

Elisha Parker's Letter of August 29^th^ in Answer to the s^d^ Paper Delivered by Nathaniel Camp with Certificate by David Ogden of his Delivery of the Original

Elisha Parker's Affidavit that the Rioter's Committee have done Nothing in Pursuance of his s^d^ Letter

Printed Minutes of the Assembly of the Session beginning the 25^th^ September 1745

Printed Minutes of the Assembly at Trenton in Spring of 1745/6

Printed Milita Act past at that Session

Printed Minutes of Assembly June 1746.

Printed Minutes of Assembly October 1746.

Copy Minutes of Council of June 11^th^ 1746, to June 28^th^ Inclusive

Copy Minutes of Council Aug^t^ 13^th^ to September 27^th^ Inclusive

Copys of Warrants from the President to Commissioners of the Forces dated June 28^th^ & August 22^d^ 1746.

Which State with those Vouchers We Procured to be bound together and Covered with Marble Paper

We beg Leave further to Acquaint You that We Sent another Copy of the s^d^ State with a Letter to the Board of Trade & Annexed to that State the following Vouchers Viz^t^

Post Boy of February 17^th^ 1745/6

Proprietor's Publication of March 25^th^ 1746.

M^r^ Nevill's Speeches to the Assembly

Which were all the Vouchers We could Gett ready to Send Therewith

Herewith you have Copys of the s^d^ State & Letters. We are &^c^

JA ALEXANDER
ROB^t^ H. MORRIS

Att a Council held at Perth Amboy in the Province of New Jersey March 19^th^ 1746.

Present
The Hon^ble^ John Hamilton Esq^r^ President

Robert H. Morris Edward Antill Esq^rs^
John Coxe

The Board haveing taken into their Consideration the State of Facts and Letters Transmitted to England by the s^d^ James Alexander & Robert Hunter Morris Esq^r^ are Unanimously of Opinion that the Facts Contained in the Representation to the Ministry are justly Stated And that They have faithfully Discharg'd the Trust in them Reposed by his Honour the Presid^t^ in their Account of the Situation & Circumstances of the Province.

His Honour Communicated to the Board a Letter he Receiv'd this day from Col. Peter Schuyler dated 9^th^ Ins^t^ Acquainting him of the Number of Men in the Several Companys under his Command by Returns made by the Capt^n^ of s^d^ Companys, which he had Transmitted to his Honour And appears to be as follows Viz^t^

In Capt^n^ John Dagworthy's Company Eighty five private Men on Duty five Dead, Ten Deserted, which with the three Commission'd Officers makes in all One hundred & three.

In Capt^n^ James Parker's Company, Seventy two Private Men on Duty one Absent on Furloe, two in the Fort at Albany, one Discharg'd Six Dead Sixteen Deserted which with the three Commissioned Officers makes in all One hundred and one.

In Capt^n^ Nathaniel Wares Company, Eighty two Private Men on Duty two Absent on Furloe, one Discharg'd, three Dead, fourteen Deserted which with the three Commissioned Officers makes in all One hundred & five.

In Capt^n^ Campble Stevens's Company Forty Seven Private Men on Duty four Absent on Furloe, five in the Fort at Albany, twelve Six,[1] twenty five Deserted, which with the three Commission'd Officers Makes in all Ninety Six Men.

In Capt^n^ Henry Leonard's Company, Eighty five Private Men on Duty five Dead, Ten Deserted, which with the three Commissioned Officers Makes in all One hundred and three.

[1] Sick.

Att a Council held at Perth Amboy in the Province of New Jersey May 6th 1747.

Present
The Hon^ble John Hamilton Esq^r Presid^t

John Reading John Rodman
Robert Hunter Morris } Esq^rs

His Honour the Presid^t Laid before the Board the Draught of a Message he Proposed to Send to the House of Assembly & Desir'd their Advice upon it, And the s^d Message being taken into Consideration the same was Approved of & his honour was Advis'd to Send it to the Assembly by the Clerk which he did And the s^d Message is in the following words Viz^t

Gent^n of the Assembly

His Majesty's Service and the Safety of the Province made it absolutely Necessary for me to Call you together at this Time and my own bad State of Health oblidges me to Meet you at this Place

The Provisions Supplyed to the Forces Raised in this Province now Quartered at Albany have been for some Time Expended & the Cloaths that were furnish'd them with the money Lent the Government are for the most Part Worn out as You will Observe from Col. Schuyler's Letter's to me which I have Ordered to be Laid before You. By an Express from Col. Schuyler which Arrived on Monday Last I have Received Information that the five Jersey Companys have Mutined & taken a Resolution to Go off with their Arms & Baggage, if they do not Receive his Majesty's Pay that was Promis'd them at their Inlistment, I have Ordered this Letter to be Laid before you & the two Officers that Col. Schuyler has Sent Express on this Occasion to Attend you And by them you will find it next to impossible to Keep those Men longer together without at Least some Part of their Pay

As these Troops were Raised in Pursuance of his Majesty's Orders & have been Kept together to wait his further Directions I must Recommend it to you to make such Provision for the Paying, Subsisting & Cloathing them as may be necessary to Keep them in a Readyness to March whenever his Majesty shall think it for the Interest of his Dominions to Give Order for that Purpose

The distracted State of the Province Occasioned by the many great Riotts Oblidges me again to Call on you to Take some Vigorous Measures to Punish those Daring Disturbers of the Publick Peace, These People have Grown strong and numerous by Passing so long with Impunity, for besides those two great Riotts at Newark which happened in the late Governour's Lifetime & which were Recommended to you by him there have been since so many bold & Daring Attempts made to Throw off his Majesty's Authority & their Dependance on the British Throne that They Call Loudly for the Severe Resentment of the Legislature. These bold People have in a Publick Manner Denyed his Majesty's Title to New Jersey, they have Refused to Pay Obedience to his Laws & have Publickly Contemned his Authority, They have broke open his Goals, Beat & Abused his Officers & Ministers of Justice, Turned People out of the Quiet Possessions of their Lands & Put others into their Places, They have Associated themselves together in Defyance of the Government have frequently Mett in great Numbers & Marched from one Part of the Province to another Insolently giving out that They are so strong & numerous as not to be afraid of any Force the Government are able to bring against them All the Steps that it was Prudent & in the Power of the Government have been taken to bring the Criminals to Justice & Putt a Stop to so Dangerous and Growing an Evill, but these Measures have all Proved ineffectual & have only occasioned fresh Riotts & Contempts of his Majesty's Authority, in Consequence of which the Course of Common Justice has been for some Time at a Stand.

These Matters are all so Publickly known that Particular

Proofs are needless, however I have Ordered the several Letters & Papers Relateing to those Disturbances to be laid before you for your Perusal

I must observe to you that it is impossible to Suppose Great Brittain will Part with so Valuable a Colony as New Jersey or that his Majesty will Suffer his Authority & Laws to be Trampled under Foot in any Part of his Dominions tho' ever so Remote from his Royal Person & the attempt to do it is certainly as vain as it is weak & wicked. If the People of New Jersey will not be Govern'd by mildest of Laws They Themselves will thereby Render it necessary to Govern them by Force, for We Cannot Suppose that a British Parliam^{t} will Suffer these things long to pass with Impunity.

My Duty to his Majesty & my Regard for the Safety of the Province Oblidges Me to Recommend this matter to your most Serious Consideration And as any the least Delay in a matter of this Importance will be of Dangerous Consequence I hope you will Proceed with the Utmost Dispatch in such Measures as may be most Conducive to Restore the Peace of the Province & by Severe Laws Prevent the Like Disturbances for the Time to come.

Gentlemen

You are not Unacquainted that the several Officers of the Government have been without any Salarys or Support for upwards of three years, which is Contrary to his Majesty's Gracious Intentions Express'd in his Royal Instructions. I Do therefore Recommend it to you to make such Provision for the Support of his Majesty's Government as will be adequate to the Purpose & agreeable to his Majesty's Intentions

JOHN HAMILTON

Ordered that the Clerk do Carry the above Message with the Letters and other Papers mention'd therein & Deliver them to the Speaker of the Assembly

The Clerk Reported that he had Obeyed the above Order

by Delivering the Papers with the Message to the Speaker, the house then Sitting

Lawrence Smyth in Behalf of the Council of Proprietors of the Eastern Division of New Jersey Laid before this Board two Books Containing Copys of the Books of Records & Registers in the Surveyor General's Office, to Witt

Lib: 2 of Warrants, Surveys & Patents. Lib: L & O of Warrants & Surveys Lib: S. of Surveys & Lib: W. of Warrants, which two Books are Certifyed by the Surveyor General to Contain true Copys of the Several Warrants, Surveys & Patents in the original Records & Registers in his Office, Requesting his Honour to Putt the Great Seal of the Province to those Books,[1] on Which his Honour desired the Advice of this Board, who takeing the Same under their Consideration Do unanimously advise his Honour to Affix the Great Seal of the Province to each of those Books

Att a Council held at Perth Amboy in New Jersey May 9th 1747.

Present

The Hon^ble^ John Hamilton Esq^r^ Presid^t^

John Reading John Rodman
Robert Hunter Morris
} Esq^rs^

His Honour the Presid^t^ Laid before the Board a Message from the house of Assembly which he had Receiv'd by two of their Members And which is in the following Words

May it Please your Honour

When your Honour in June Last Recommended the forwarding the Expedition against Canada, it is Well Known to your Honour We readily Went into Such Matters in Complyance with his Majesty's Pleasure Signifyed to Us by the Duke of New Castle's Letter then Laid before Us, that We

[1] Doubtless to use them as evidence in the case known as the Elizabethtown Bill in Chancery.

Not only Provided Provisions for five hundred Men Raised in this Colony which was all his Majesty required from the Province, but also over & above gave a Bounty of Six Pounds a Man to each Man so to be Inlisted to Incourage their Inlistment, And at the same Time We Pass'd a Bill for the makeing Current ten Thousand Pounds to Enable your Honour to Cloath & Arm the S^{d} Forces, All of the s^{d} £10,000 We Cannot Learn is yett Expended.

This We beg Leave to Observe to your Honour is such a Mark of our Zeal for his Majesty's Interest As We are not Informed that any of Our Neighbouring Provinces have Gone into

At that Time there was nothing mentioned in the Duke of New Castle's Letter nor by your Honour Recommended to Us of Paying those Forces, And this House haveing already Exerted themselves to the Utmost Ability of the Colony They are in no Condition of Doing it at Present.

We are very sorry to hear there is such an Uneasyness amongst the Forces but as We are Daily in Expectation of hearing from home at which Time We make no Doubt but they will Receive their Pay & Cloathing from his Majesty agreeable to the Duke of New Castle's Letter above mentioned and as that was the Condition on which they Inlisted into this Expedition And as We have now Granted them a third Supply of all necessary Provisions We hope that They will behave Themselves like Reasonable Men and Return heartily to their Duty in his Majesty's Service.

As to the Matter of those Riotts lately Committed in this Province and Recommended to our Consideration it is with Great Concern & Abhorrence we Look upon those Proceedings Esteeming them to be of very ill Consequence & shall willingly do Our Duty in Joyning With the other Branches of the Legislature for the Makeing proper Laws for Suppressing such Proceedings & Discourageing the Like for the future, But as the Doing thereof will require great Consideration & more time than we have at present, being now only Call'd as

We Understood to make some further Provision for the Forces, which we have Chearfully Done.

We hope those Riotous Proceedings may not be Continued but if They Should, at Our next Meeting We may have More Time to Consider And Transact .those & the other Affairs of this Province & Doubt not but that in the mean Time your Honour will Take all prudent Measures to Stop the Growth of those proceedings & do what shall be most proper & needfull until the same Can be Remedied by some Act or Acts of this Province

And with respect to the Support of the Government to [in] your Honour's Message Recommended to Our Consideration We beg Leave to say We have done what is in the Power of this House to Do, for that it appears by the Minutes of this House that at our Last Sitting here on the 23^{d} of October past A Bill for the Support of this Government was Carryed up to the Council & Delivered to the Speaker in Council for the Council's Concurrence, Since which this House has not had any Acc^{t} or Information Concerning the s^{d} Bill and therefore they Conceive that they have done their Duty in this Respect.

And as a Bill has now pass'd this House & the Council to make Curr^{t} £1000 in Bills of Credit for the further Victualling & Provideing for the Forces &^{c} The House Desires your Honour's Assent to the Same And there being no other Business at Present before the House They Pray your Honour to Dismiss Them

By Order of the House

THO^{s} BARTOW Cl:

Upon which his Honour Desired to be informed what Bills or other Business was before the Council as a Branch of the Legislature And the Board inform'd him that takeing into Consideration the many Great Riotts and other Breeches of the Publick Peace They thought it their Duty to propose some Law to Prevent Things of that Kind for the Time to Come & to that End had Ordered a Bill to preven^{t} Tumults and Riotous Assemblys to be brought into their House which

was accordingly done And the same had been twice read & stood Committed. That They should have gone through & Pass'd the s[d] Bill but they found so great an Unwillingness in the house of Assembly to Proceed to any Business at this Time, but that of makeing Provision for the Troops that They Judg'd it vain to Attempt any other

And his Honour then Desired the Opinion of this Board & their Advice what was proper for him to Do on this occasion

Whereupon the Board declared that They Looked upon it to be the Duty of every Branch of the Legislature to Exert themselves with the Utmost vigour to Enable the Government to bring to Justice the Persons Concerned in the late Disturbances & that They were Willing & Ready both as a Council of Advice & as a Branch of the Legislature to do every Thing that should be thought most Conducive to that End. That They were sorry that the House of Assembly would not Join in any Measures at this time to Give a Check to so dangerous & Growing an Evil, but since they were Determined not to do anything at this Time it was to no Purpose to Keep them together & therefore Advis'd his Honour to Give them Leave to Adjourn themselves till Monday the 25[th] day of this Ins[t]

Att a Council held at Perth Amboy in the Province of New Jersey May 11[th] 1747.

Present
The Hon[ble] John Hamilton Esq[r] Presid[t]

James Alexander John Rodman
Robert Hunter Morris
} Esq[rs]

A Draught of a Letter from his Honour the President to Col: Schuyler Commander of the Forces of this Province at Albany was Read & Approved of in the Words following

Sir

I have Your's by Capt^{s} Dagworthy & Leonard of the 30th April and am Exceeding sorry to hear of the General Mutiny of the Troops under your Command, and more so that they have any Reason for it—I am Concern'd that it has not been in my Power to Comply with the Forms Propos'd to Them at their Inlistment, but Cannot blame myself on that Account I Esteem their Pay secure because they have his Majesty's Promise for it Signifyed by his Secretary of State And I hope they will not do any Act, that may forfeit his Majesty's Favour Which Leaving their Stations will certainly be

I approve your Zeal for his Majesty's Service in Endeavouring to Prevent the Troops from Comeing of and in Generously Offering to Engage your own private Creditt to Procure money for the Pay of the Jersey Companys, but Must Observe to You that had they accepted of that Money it would in all Probability have occasioned a Mutiny in all the Rest of the Troops at Albany who were not paid in the same manner, And as it is next to impossible to Procure money sufficient in so short a time to Pay the Troops their whole Pay, so I think it would be Prejudicial to his Majesty's Service to Do so, because they would then Desert in great Numbers Whereas their Receiving a Part of their Arrears & a monthly Allowance till his Majesty's Pleasure could be known, will certainly be best upon all Accounts Especially if you Consider that they are furnish'd with Provisions & Cloaths at the Expence of the Province.

Before this Reaches you, You will Receive Directions from Gov^{r} Clinton as to the Pay of the Troops under Your Command upon the same Terms on which the York & other Troops Quartered at Albany are to be Paid And as his Excellency has on this occasion Exerted himself & Engag'd his own Creditt to Procure money sufficient to advance 40/ York money to the Troops in part of their Arrears & 20/ ℔ month till his Majesty's Pleasure is known I hope the Jersey Troops will Shew a good Example to the other Forces by returning

to their Duty and Accepting of what is offered them And I must Recommend it to You to Use the Influence You have deservedly Acquired Among them to Induce them so to Do

I Laid before the Assembly your Letters to Me & Ordered your two Officers to attend them and they have given a further Supply of Provisions as you will See by their Votes which I send you inclosed

I must also Inform you that upon your Representation of the great Want the Men are in of Shirts & Shoes, I have this day Ordered two Speckled Shirts & one Pair of Shoes to be Made for Each of the Men under your Command And to be Sent to you with all Dispatch imaginable, which you will Deliver to them when they Return to their Duty

I am &c.

Ordered that it be fair Coppyed for his Honour's Signing

A Draught of a Letter from his honour the President to his Excell^{y} Gov^{r} Clinton was read & approved of in the following words

May it Please Your Excellency

I think it my Duty to Communicate to your Excellency the Answer of the Assembly in Relation to so much of my Speech to them as Concerns the Troops of this Province now at Albany in your Governm^{t}

I think it my Duty also to Acquaint you that the Officers & Men who were Sent hither from those Troops Are this Day to Return with the s^{d} Answer from the Assembly & a Letter from me to Col: Schuyler of which I Conceive it my Duty to Lay a Copy before you and it's Also Inclosed.

I have Ordered the two Officers to wait on your Excellency to Deliver this & to Receive your Commands, And am &c.

Ordered that it be fair Copyed for his Honours Signing

A Draught of a Commission for Runing the Line of Partition and Division between this Province & Province of New York pursuant to the Act of Assembly for that Purpose was

read & approved of & at the Recommendation of the Council of Proprietors of East New Jersey Robert Hunter Morris, Lewis Johnston & Elisha Parkers Esq^{rs} are named Commissioners Therein, which Draught is approved of by this Board Ordered that it be Engross'd for Affixing the Seal thereto

A Draught of a Commission for Runing the Partition Line between East New Jersey & West New Jersey pursuant to the Act of Assembly for that Purpose was Read Approv'd of and at the Recommendation Last afores^{d} the s^{d} Robert Hunter Morris, Lewis Johnston & Elisha Parker are therein named Commissioners & Managers, which Draught is approved of by this Board Ordered that it be Engros'd for fixing the Seal thereto

A Certificate of Lawrence Smyth Recorder of the Proprietors of the Eastern Division of New Jersey Certifying pursuant to the Act of Assembly for that Purpose that John Earl of Stair, John Penn, Thomas Penn, Richard Penn & others were intituled to Certain Shares of Propriety of the Eastern Division of New Jersey therein mention'd, and that he had Recorded that Certificate in Lib: A B. 2 fol: 225 being Read As also a Draught of a Lycence to Purchase of the Indians to the s^{d} Persons founded on the s^{d} Certificate pursuant to the Act of Assembly for that Purpose was read and approved of and Ordered that it be Engros'd for fixing the Seal to it

It being Represented & well known that great abuses have been Committed by Chainbearers & Markers for want of some Restraint or Check in the Doing of these Services, and that the Impowering of the Surveyor General & Deputy Surveyors in both Divisions to Administer an Oath to Chainbearers & Markers to do those Offices truely may prove a Restraint & Check to the Committing the Like for the future & the Draughts of Grants for that Purpose being read and approved of and Ordered to be Engross'd for Affixing the Seal to Each of them.

It's recommended to M^{r} Alexander & M^{r} Morris to Continue a Correspondence with his Majesty's Secretary of State

& the Lords Commissioners for Trade & foreign Plantations Concerning the State of this Province, which his His Honour's bad State of health Disables him from Doing and That They Send the Acts past in his Honour's Time which are four in Number under the Seal to the s^{d} Secretary & board of Trade, And such other Papers Relateing to the Affairs of this Province as they shall from Time to Time think necessary.

Att a Council held at Perth Amboy in the Province of New Jersey May 6th 1747.

Present
The Honour^{ble} John Reading Esq^{r} Speaker

John Rodman, Rob^{t} H. Morris } James Hude, John Cox } Esq^{rs}

M^{r} Morris Moved, that the Bill, Entituled an Act to Prevent Tumults & Riotous Assembly's, Might be Read; which was accordingly done, and Ordered a Second Reading

Att a Council held at Perth Amboy, in the Province of New Jersey May 7th 1747.

Present
The Honourable John Reading Esq^{r} Speaker

John Rodman, Rob^{t} H. Morris } James Hude, John Cox } Esq^{rs}

M^{r} Heard, & M^{r} Crane, from the House of Assembly, Presented for the Concurrence of this House; A Bill Entituled, An Act to make Current One thousand pounds, in Bills of Credit; for the further Victualling, & Providing for the forces, Lately Raised in New Jersey on an Expedition

against Canada: And the Question being put, whether the s[d] Bill be Read or not; it pass'd in the Affirmative.

Which Bill, was Read the first Time, & Ordered a Second Reading.

The House Continued for an hour—The House Mett

Present as before

The Bill, Entituled An Act to make Current one thousand pounds, in Bills of Creditt, for the further Victualling & providing for the forces &c. was Read the Second Time, and Comitted to the Gent[n] of the Council, or any two of them.

The Bill, Entituled An Act to prevent Tumults, & Riotous Assemblys, was Read the Second time, and Committed to the Gentlemen of the Council, or any two of them.

Att a Council held at Perth Amboy in the province of New Jersey May 8[th] 1747.

Present
The Hon[ble] John Reading Esq[r] Speaker

John Rodman, Rob[t] H. Morris } James Hude, John Cox } Esq[rs]

M[r] Hude, from the Committee, to whom the Bill, Entituled an Act to make Current one thousand pounds &c. was Referred, Reported the Same, without Amendments.

Ordered that the s[d] Bill be Read the third Time, which was Done accordingly

And the Question being putt, whether that Bill Shall pass or Not, it pass'd in the affirmative

Resolved, that the s[d] Bill do pass.

Ordered, that the Speaker Sign the Same.

Ordered, that M[r] Rodman, do acquaint the House of Assembly, That the Bill, Entituled an Act to make Current, One thousand pounds &c. had pass'd this House this day.

M[r] Rodman Reported, that he obeyed the above Order.

Att a Council held at Perth Amboy in the Province of New Jersey May 9th 1747.

Present
The Hon^ble John Reading Esq^r Speaker

John Rodman Robert Hunter Morris Esq^rs

His Honour the President Came into Council & having by the Clerk required The Attendance of the House of Assembly, They attended And his Hon^r was Pleas'd to Give his Assent to the following Bill

An Act Entituled An Act to make Current One thousand Pounds in Bills of Credit for the further Victualling & Providing for the forces lately Raised in New Jersey on an Expedition Against Canada And then was Pleas'd to Give them Leave to Adjourn themselves agreeable to their Request to him for that Purpose.

At a Council held at the City of Burlington the Twentieth day of August in the Year of our Lord One thousand seven hundred and Forty Seven.

Present

The Honourable John Reading, James Hude, James Alexander, John Coxe, John Rodman, Peter Kemble and, Richard Smith, Thomas Leonard, Edward Antill } Esq^rs

His Excellency came into Council, and by the Secretary Commanded the Attendance of the House of the House of Assembly, and they attending His Excellency Spoke to both Houses as follows.

Gentlemen of the Council and of the General Assembly.

I do in the first place give Thanks to Almighty God, my

great and kind Preserver from the perils of the Seas, and in a Time of general War, and for my safe arrival.

I am sensible you must have long since heard of His Majesty's Grace and Favour to me in appointing me to the Government of Nova Cæsarea or New Jersey: and I have been impatiently waiting in England for the Opportunity of a Passage in a Ship of War, and have embraced the first bound this Way.

I have published His Majesty's Royal Commission at Perth Amboy and at this Place, as has been usual. And according to my Duty and my Oath to His Majesty (and renewed here[1]) I shall strictly Conform myself to the Kings Commands, and to the Powers granted me therein, as also to the additional Authorities contained in the Kings Royal Order to me, and from these Things I think you will not desire me to deviate.

While I was at the head of two considerable Provinces in New England,[2] my Administration was often approved by His Majesty; and altho' he was pleased, for his own wise Reasons, to remove me after having had the Honour of his Royal Commission there upwards of Eleven Years, yet I accept, with all Thankfullness, his conferring on me the Government of this fine Flourishing Province, as a repeated publick Testimony of His full Satisfaction in my Conduct in the Government of those Provinces.

I am, Gentlemen, glad to have this early Opportunity of meeting you in General Assembly, tho' it is my Misfortune to be so much a Stranger as I am at present to your publick

[1] The several oaths of office were administered to Governor Jonathan Belcher on the 10th of August, 1747, in the presence of John Reading, Edward Antill, James Hude, Peter Kemble and Andrew Johnston, to each of whom His Excellency, in turn, immediately administered the oath of Councillor. Robert H. Morris was sworn August 11th; John Rodman, Richard Smith, Thomas Leonard, on August 20th, and probably on the same day James Alexander and John Coxe. President John Hamilton had died on the 17th of June preceding, leaving a vacancy, which, in November, 1748, was filled by the appointment of Richard Saltar. See N. J. Archives, Vol. VII., 11, 12.

[2] Governor Jonathan Belcher was born in Boston, Mass. In 1729 he was appointed Agent for New England at the Court of Great Britain, and on the 29th of November of the same year, was appointed Governor of Massachusetts and New Hampshire. Having been superseded in 1741, he went again to England, where he remained most of the time until his appointment as Governor of New Jersey. See N. J. Archives, Vol. VII., 1, note.

Affairs, and to the Circumstances of this Province; but I promise you to devote myself to obtain the best knowledge I can of them, that I may be the more capable of accomplishing my own warm Desires and firm Resolutions of doing every Thing in my Power that may contribute not only to the general Welfare of the Province, but my good Wishes are extended to the Protection and Ease of every Individual among you; and while I shall thus Conduct myself, I am sure I shall in the best Manner do my Duty, and thereby render myself acceptable to the best of Kings, who always looks upon the Happiness of his People inseperably blended with His own Honour and Interest.

Gentlemen of the Council.

As His Majesty has been pleased to Honour you with Seats at this Board, and thereby has not only made You a Part of the Legislative Power, but Counsellors also to His Governor, and to which you have been duly qualified; I shall on all Occasions much esteem your Advice and Assistance for my better managing the Affairs of the Government.

Gentlemen of the General Assembly.

It is more peculiarly your Priviledge and Duty to make the Necessary Supplies for the Payment of the Publick Debts, and for the Support of the Government; I therefore shall not doubt of your early and effectual Care in Things that so nearly affect His Majesty's Honour and Service, as well as the Safety and real Interest of the People whom you represent, And while I am on this Head, not only in Obedience to His Majesty's Commands, but also the better to prevent any future Difficulty, I am to acquaint you, that His Majesty expects you to settle on me, an ample and Honourable Salary suitable to the Dignity of His Majesty's Governor. And in this you will consider, how much what passes for Money among you has been depreciating for some Years past, and will therefore fix the value of my Salary that I may not suffer in the time to come. I must also inform you, that I have been at a great

Expence in my Commissions, Equipage, and other Charges relating to the Government, of which I shall not doubt your reasonable Consideration (as has been usual in His Majesty's other Governments) and that you will make suitable Provision for a House to receive me, and I shall be glad to pitch upon such a Place for my Residence as may best consist with His Majesty's Honour and with the Ease of the People, as well as my own Conveniency, altho' the last will have the least Weight with me.

Gentlemen of the Council, and of the General Assembly.

It gives me much Concern to find by the Addresses from several Corporations in my way from Perth Amboy to this City,[1] that some Parts of the Province are in great Confusion thro' the audacious attempts of a Set of seditious Persons, to shake off their Allegiance to the King, to trample upon his Laws, and to subvert all Rules and Government. If there by[2] any Reason for Complaints, it's the incumbent Duty of all People to seek Redress from the Laws of the Land and from their Rulers, and to Submit to every Ordinance of Man for the Lords sake. I am sorry to have this Difficulty to encounter at my first coming among you, yet it shall [not?] discourage me, but, I hope, the Governor, Council, and General Assembly will unite as one Man to endeavour to fall into such Measures, as, by the Help of God, may put an End to the present Disorders, and restore lasting Peace and Tranquility to the Government, and to all the People, and then I am sure the present and future Generations will have Reason to rise up and call us blessed.

Gentlemen

As it is a buisy Season of the year, I suppose you will incline to make this Session short, by going on no other Business but what you may judge necessary to be done at this Juncture, and that you may the sooner return to your

[1] See N. J. Archives, VII., 16. [2] Be.

private Affairs, and I shall be ready to conform myself to your Interest and Ease in this Matter.

I hope your Deliberations and Debates will at all Times be carried on with such Temper and Moderation as that the whole Legislature may form their Resolutions for establishing the Prosperity of this People with a happy Unanimity, which is the best Bandage and Strength of a Government, I am sure nothing will be wanting in me to promote such a beautiful Harmony.

J. Belcher.

Burlington August 20, 1747.

The House continued 'till Friday Morning 21st August

Present

The Honourable John Reading, James Alexander, John Rodman, Edward Antill, James Hude, John Coxe, Peter Kemble & Thomas Leonard } Esqrs

The President acquainted the House that he had procured a Coppy of His Excellencys Speech which was read.

Resolved that an humble address be prepared in Answer thereto.

Ordered that Mr Alexander, Mr Antill, Mr Hude and Mr Coxe or any three of them be a Committee to prepare a Draft of the Same, and report it to this House with all Expedition.

Ordered that Mr Alexander bring in a Bill for preventing Tumults and Riotous Assemblys.

The House continued 'till 4 o'clock, P. M.

Present

The Honorable John Reading, James Alexander, John Rodman, Richard Smith, James Hude, John Coxe, Peter Kemble & Thomas Leonard } Esqrs

M^r^ Alexander pursuant to the Order of this Morning brought in a Bill for preventing Tumults and Riotous Assembly's, which was read the first Time and Ordered a Second Reading.

The House continued 'till Saturday 22^d^ August 9 o'Clock A. M.

Present

The Honourable	John Reading	Edward Antill	Esq^rs^
	James Alexander	James Hude	
	John Rodman	John Coxe	
	Richard Smith	Peter Kemble &	
		Thomas Leonard	

M^r^ Coxe from the Committee appointed to prepare a Draft of an Address to His Excellency, Reported that the Committee had prepared an Address accordingly. Which was read Approved of and Ordered to be Engrossed.

The Engrossed Address being read and Signed by the Speaker, It is Ordered by this House that M^r^ Hude and M^r^ Coxe do wait upon His Excellency, and Acquaint him that the House is ready to Attend him with the said Address, when His Excellency will be at leisure to receive the Same.

M^r^ Hude and M^r^ Coxe returned and informed this House that His Excellency was pleased to Say that he would be ready to receive their Address at One of the Clock in the Afternoon.

The House continued 'till 1 o'clock P. M.

Present

The Honourable	John Reading	James Hude	Esq^rs^
	James Alexander	John Coxe	
	John Rodman	Peter Kemble &	
	Richard Smith	Thomas Leonard	
	Edward Antill		

The Council waited on His Excellency with their Address in the following words.

To His Excellency Jonathan Belcher Esq^re^ Captain General and Governor in Chief in and over His Majesty's Province of New Jersey and Territories thereon depending in America, Chancellor and Vice-Admiral in the same &^c^

May it please your Excellency

We His Majesty's Council for the Province of New Jersey give your Excellency our hearty thanks for your favourable Speech, And begg leave to Congratulate you on your safe arrival to this His Majesty's Government of New Jersey After a voyage attended with uncommon dangers in this time of General War for which we are pleased to find your Excellency make so publick and grateful an Acknowledgement to the Almighty. And we sincerely join with your Excellency therein.

Most of Us have been Witnesses to the publication of His Majesty's Commission by which we are Sensible your Excellency is justly Intitled to the Government of this Province And we believe your Excellency embraced the first Opportunity of coming to it, the unhappy scituation whereof called loudly for your presence

It is with the highest Satisfaction we find your Excellency determined Strictly to conform to the Commands and Instructions of His Majesty, Since (as we suppose them to be the same that they Usually have been) they are inseperably blended with the Interest and Happiness of his People. And as his Majesty's appointing you to this Government is a proof of his Royal Satisfaction in your former Administration in a Neighboring Colony, So we have the strongest reason to hope, and make not the least Doubt but that you will persist in Approving your Conduct to his Majesty by a steady and prudent Administration and thereby render the People of this Province safe Happy and Flourishing. And as His Majesty has been pleased to Honour us to be of His Council here, we shall upon all Occasions chearfully afford your Excellency our best Advice and assistance whenever you shall require them. And we will readily Concurr with the other

Branch of the Legislature in Supporting His Majesty's Government in an Ample and Honourable Manner.

And we return your Excellency our highest Acknowledgements for the firm resolution you Express of doing every thing in your power that may Contribute not only to the General Welfare of the Province, but to the ease of every Individual among Us. Such a Conduct will not only render your Excellency acceptable to the best of Kings but will always command the affections of a Grateful People.

It is with the greatest Concern that we assure your Excellency of the Truths represented to you by the several Addresses in relation to the many Notorious and Wicked (and to all understanding and good Men) detestable Riots that have of late been committed within this Province animated and Spirited up by a few designing and Wicked Men, big with the unjust and destructive Views of building up their own fortunes on the ruins of others, And who by crafty insinuations and base Artifices have deluded from their Duty a great number of Ignorant and otherwise innocent Persons.

We are truly concerned that your Excellency has Such a Difficulty to Struggle with in the beginning of your Administration, but as your Excellencys resolution not to be in the least discouraged will be (under the influence of Heaven) the first and Greatest Step towards Surmounting it, So we shall do every thing we are able to Strengthen your Hands and heartily join with your Excellency and the other Branch of the Legislature in doing every thing in our Power to restore Peace and Tranquility to your Government and to render your Administration happy and easy.

Jn° Reading Spr

Burlington August the 22nd 1747

To which his Excellency was pleased to make the following Answer.

Gentlemen,

I Heartily thank you for this kind address and promise my self much Satisfaction in your wise Advices from Time to

Time, for my Assistance in the arduous Affairs of the Government; and I hope every Branch of the Legislature will be emulous to excel the other, in all Things that may advance the Kings Honour and Service, and the best Weal of his People, and to do this with the greatest Peace and Concord among themselves.

J. BELCHER.

The House continued till Monday 24th August 1747

Present

The Honorable John Rodman, Richard Smith, Edward Antill, James Hude, John Coxe, Peter Kemble and Thomas Leonard } Esqrs

The House continued till Tuesday 25th August 1747.

Present

The Honourable John Rodman, Richard Smith, James Hude, John Coxe, Peter Kemble & Thomas Leonard } Esqrs

A message from the House of Assembly by Mr Brick and Mr Hopkins.

Ordered that Mr Brick and Mr Hopkins do wait on the Council and Acquaint them this House have Appointed Mr Richard Smith, Mr Cooke, Mr Hancock, Mr Emley, Mr Fisher, Mr Cooper, Mr Vanmiddeswart, Mr Spicer and Mr Leaming to be a Committee to join a Committee of the Council, to consider in a free Conference of ways and means for suppressing the Riots and Disorders in this Colony

THOs BARTOW Ck.

His Excellency came into Council and by the Secretary informed the House of Assembly that he was in the Council Chamber ready to receive their Address.

The Speaker and House of Assembly Attended and delivered their Address in the following Words.

To His Excellency Jonathan Belcher Esq[r] Captain General and Governor in Chief in and Over His Majestys Province of Nova-Cæsarea or New Jersey and Territories thereon Depending in America and Vice-Admiral in the Same &[c]

The Humble Address of the Representatives of the Colony of New Jersey in General Assembly Met

May it please your Excellency

We His Majesty's most dutiful and loyal Subjects the Representatives of the Colony of New Jersey now in General Assembly convened, do with the greatest Pleasure embrace this Opportunity of congratulating your Excellency on your safe arrival to this your Government of New Jersey, at a time when you had both the dangers of the Seas and the Enemy to encounter with; and we join with your Excellency in returning Thanks to almighty God for your Preservation from those Perils.

We had early intelligence of His Majestys Grace and Favour to your Excellency, and to this Colony, in appointing you Governor of Nova Cæsarea or New Jersey; and We have been long impatiently wishing and waiting for your Excellency's safe arrival.

Several of us are Witnesses of your Excellency's Publishing your Commission in the Manner you have been pleased to mention to us. The Conforming yourself to the Kings Commands, and the Powers granted you therein, are what His Majesty will no doubt expect from you; and we hope we shall have no Reason to desire your Excellency to deviate from the same

We in the most humble Manner acknowledge His Majesty's Grace and Favour in appointing a Gentleman of your Excellency's great Abilities to govern this Colony, who from your being at the head of two considerable Provinces in America for so long a time, must be well Experienced in the nature of Government, and from the short acquaintance we have had with your Excellency, we have great reason to hope your Excellency's Inclinations are equal to your Abilities,

and that they will both be employed to make Us a Flourishing and happy People.

We are therefore glad to have this early Opportunity of meeting your Excellency in General Assembly. The kind and publick Manner in which you have declared you will apply your self to obtain the best knowledge you can of our publick Affairs, that you may be the more capable of accomplishing your warm Desires, and form Resolutions of doing every thing in your Power, that may contribute to the general Welfare of the Province, and that your good Wishes are extended to the Protection and ease of every Individual among us, demand and engage our sincerest Affections and Thanks. Such Assurances from the supreme Ruler and Governor of a Province we hope will have a good influence upon all inferior Officers in this Government, and we think cannot fail of affecting and softening the most obdurate Heart, and induce all those who have offended against the Laws to return with the most humble submission to their Duty: And whilst your Excellency shall in so tender a Manner Conduct your self towards the People, you will undoubtedly render your self acceptable to his Majesty, whose Paternal care over all his Subjects, is such, that he looks upon their Happiness conducive to his own Honour and that is inseperably blended with his Interest.

As it is our Priviledge, so we think it our Duty, to make the necessary Provisions for the Payment of the publick Debts and the Support of the Government; We shall take what your Excellency hath said to us on that head into our serious Consideration, and shall, as near as the present Circumstances of this Colony will admit, comply with his Majesty's Expectations; And in the doing of this we shall always consider how much what passes for Money Depreciates should that ever be our unhappy Circumstance. At present we can, with equal Truth and Pleasure, acquaint your Excellency, that the Credit of our Paper Money is so well established by the several Laws that gave it Birth, that it is morally impossible it should sink in Value.

By those Laws effectual care is taken that none shall be Emitted but on Land Security, and that of double the value at least, and the Titles of the Lands carefully inspected by the Loan Officers appointed by Law in the several counties to let out the Money. And as our Lands are daily rising in worth we cannot conceive it possible for any Fund to be of a more fixed and determined Value. The Truth of which is happily confirmed to us by upwards of twenty Years Experience.

When we are on the Bill for the Support of Government, we shall take into consideration what your Excellency is pleased to mention to us concerning the Expence you have been at relating to the Government: We shall make suitable Provisions for paying the Rent of a House for your Excellency to reside in, and shall leave it to you to judge what Place will be best suit[ed] and be most consistent with His Majesty's Honour, and with the Ease of the People and your own Conveniency.

We are really sorry and much concerned, that there should be in this Colony a set of such rash and inconsiderate Persons, who by trampling on the Laws have set the Government at defiance, not considering that undeniable Truth and just Observation of your Excellency, that if there be any Cause for Complaints, it is the incumbent Duty of all People to seek redress from the Laws of the Land. We are equally sorry your Excellency should have this Difficulty to encounter with at your first coming among us; but we do assure your Excellency, we, on our Part, are ready to join with the other Branches of the Legislature that we may, as one Man, endeavour to fall on such Measures as may put an End to the present Disorders, and restore lasting Peace to the Government, and Happiness to the People, and to that End we have appointed a Committee of our House to join a Committee of the Council to consider of Ways and Means for suppressing those Riots and prevent Disorders in this Colony.

The busy Season of the Year will make it acceptable to us to be adjourned for some Time, that we may order our private

Affairs so as to attend the Publick Business with less detriment to our own; and thereby your Excellency may have some time of Ease from the fatigues which so long a Voyage at Sea, and a Journey from Perth Amboy to this Place must Occasion, the better to acquaint your self with the Circumstances of this Colony.

We hope our Conduct at all times will be such, as to satisfie your Excellency, that all our Deliberations and Debates are influenced by a Temper and Moderation becoming the Representatives of this Colony: And we shall always endeavour that a happy Unanimity (which certainly is the best Bandage and Strength of a Government) may be established in the whole Legislature. And we return your Excellency our hearty Thanks for the Assurance you are pleased to give us, that nothing shall be wanting in you to promote such a beautiful Harmony

Divers of the Members of the House being of the People called Quakers agree to the Matter and substance of this Address with their usual exceptions to the Stile.

By order of the House
ROBERT LAWRENCE Speaker.

To which His Excellency gave the following Answer

Gentlemen of the General Assembly.

I take in the most grateful Manner this handsome Address in answer to what I said to you at the opening of this Session, and which I find is so much to your Satisfaction as leaves me nothing more to add, than that from it to hope the true Weal of the People of this Province will be your constant care, and that I again wish the whole Legislature may have the pleasure of Carrying their Deliberations from time to time into Execution with all possible Unanimity

J. BELCHER.

Resolved that M^r^ Reading, M^r^ Alexander, M^r^ Rodman, M^r^ Hude, and M^r^ Coxe or any three of them be a Committee

to join the Committee of the House of Assembly to Consider in a free Conference of Ways and Means for Suppressing the Riots and present Disorders in this Colony.

Ordered that M^r Leonard acquaint the House of Assembly therewith.

His Excellency then Adjourned the General Assembly to Tuesday the fifteenth day of September next, to Meet at Burlington 15^th^ of September 1747, Adjourned by Writt, to the 6^th^ of October 1747, to meet at Burlington.

6^th^ of October 1747, Adjourned by Writt to the 27^th^ of October 1747, to Meet at Burlington

27^th^ of October 1747, Adjourned by Writt to the 17^th^ of November 1747, to Meet at Burlington.

Tuesday 17^th^ of November 1747.

The House Met Present
The Honourable John Rodman
Richard Smith and
Robert Hunter Morris } Esq^rs

The House continued till Wednesday 18^th^ November 1747.

Present
The Hon^ble^ James Alexander Robert Hunter Morris
John Rodman and
Richard Smith John Coxe } Esq^rs

The House continued till Thursday 19^th^ November 1747.

Present
The Hon^ble^ James Alexander Robert Hunter Morris
John Rodman and
Richard Smith John Coxe } Esq^rs

His Excellency came into Council and by the Secretary having Commanded the Attendance of the House of Assembly and they Attending His Excellency made the following Speech to both Houses.

Gentlemen of the Counsel and of the General Assembly

I met you soon after my Arrival, agreeable to an Adjournment made by M^r President Reading, at which Time I found you were not inclined to enter upon Buisness, it being so busy a Season in your domestick Affairs. Those I hope are well over, that you may proceed with Ease and Alacrity in the Affairs of the Province, in which hardly any Thing has been done by the Legislature for some Years past, and they therefore now demand your diligent and closest Attention

Gentlemen of the Assembly.

I have lately received a Letter from Governor Shirley and Governor Knowles, wherein they write, His Majesty had laid aside the late intended Expedition against Canada for the present, and they also send me an Extract of a Letter from His Grace the Duke of Newcastle to Governor Shirley, a Paragraph whereof the Secretary shall give you, and in which you will find it is expected, you make Provision for the present Payment of the Men raised in this Province, to be re-imbursed when this Matter shall be provided for by the Parliament of Great Britain. And as this Expedition was intended principally for the better Protection and Defence of His Majesty's North American Colonies, the King the more reasonably hopes for your compliance herewith, and which must recommend you to His Majesty's Grace and Favour; And I desire you will give this thing a speedy Consideration, because Orders have been gone some Days since to Albany, by the Colonel of the Regiment raised in this Province, for the Dismissing of the Officers and Men.

Governor Shirley and Governor Knowles have also wrote to me for an Account of the Cloathing Arms &^c supplied by the Government to His Majesty's Troops raised in this Province; upon which, I directed the Commissioners employed in that Buisness, to come hither and Adjust that Account, which is accordingly done, and sent to those Gentlemen, to be by them Transmitted to His Grace the Duke of New Castle, in order to be laid before the Parliament of Great Britain for a Re-imbursement.

Gentlemen of the Council and of the General Assembly.

Since our last Meeting I have received sundry Complaints from Numbers of Persons, who say they are unjustly disturbed in the Possession of their Land, and in Answer to the Petitioners or Complainants, I have ordered the Secretary to lay their Papers before you,[1] that you may be the better able to judge how far the Controversies they mention, may properly lie before the Legislature; and this Affair, I am afraid, you will find attended with Intricacy and Difficulties. Before the last Adjournment of this Court, I find by the Minutes of the Council and of the Assembly, there were a Number of Gentlemen from each House, appointed to examine into the Matter of the Riots and Disorders committed in some Parts of the Province, to which Affair I suppose these Papers may be related; and since the Committee then appointed have not yet Acted, I wish both Houses would so far Re-consider the Matter as to make out a Committee of Gentlemen, the most disinterested (and so impartial) in this difficult Affair, and then to sit upon it De Die in Diem, 'till they shall be able to report what may be proper to be done by the Legislature to bring to an End the Disorders and Confusions that have so long subsisted in the Province; and if the Laws are yet deficient, that they may be strengthned, the better to bring to condign Punishment the Authors and Abettors of those Outrages that have been attempted on the Lives, Liberties and Properties of their fellow Subjects, to the Dishonour of God, in high contempt of the Kings Authority, and of the good and wholesome Laws of this Province. As it well becomes Rulers to encourage and support them that do well, so it is their indispensible Duty to be a Terror to Evil-doers. I am persuaded, Gentlemen, that to keep this Matter at a Distance, or as the trite Saying is, to put far off the Evil Day, cannot consist with the Ends of good Government, No: Assaults and Batteries, breaking open the Kings Goals, and delivering

[1] A number of them are printed in N. J. Archives, VI. and VII., but the case is most fully presented in the Elizabethtown Bill in Chancery and in the Answer thereto.

Prisoners there committed by Vertue of the Laws, must soon bring Things to this Question, Whether His Majesty's Authority shall be supported in His Province of New Jersey? Or, whether a Number of Rioters shall take the Government into their own Hands? If any Persons think themselves hardly treated as to any lands they possess, their Recourse must be to the Laws, and having gone through the whole course of the Law here and yet unsatisfied, they have a dernier Resort to His Majesty in Council, where they will find freedom of Access, their Case heard with great Patience, and finally closed according to the Strictest Rules of Reason, Law, and Equity, For the King always delights in the Happiness of his Subjects, and esteems Righteousness the greatest Stability of his Throne.

I am, Gentlemen, in the next place to acquaint you, that I have lately received from one M^r^ Hopkins, a Magistrate in Rhode-Island Government, a Number of Counterfeited Bills of this Province, which M^r^ Secretary shall deliver you. We are obliged to this Gentleman for his good Care, and from this and other Informations of the like kind, I have reason to believe, there is a Knot or Combination of villainous Persons that are making a Trade of forging the Bills of this Province, and this Matter well deserves your speedy Care and strict Inquiry, as it strikes at the very Vitals of your Currency, and so must nearly affect not only your Commerce, but your other Estates also.

The Honourable M^r^ Palmer, President of the Province of Pennsylvania, has lately complained to me, of the Necessity of putting the Pilots of Delaware River under a better Regulation, for the greater Safety and Protection of the Trade, His Letter and the papers referring thereto shall be laid before you; and when we consider how greatly our Neighbors and we have suffered by Informations the Enemy have got from our own Pilots, I hope it may produce from us some wholesome Law, to put an End to such villainous Practices for the Future, and to which no Assistance shall be wanting on my part.

Gentlemen of the General Assembly.

Altho' I mentioned to you before the last Adjournment, the necessary Care incumbent on you for the payment of the publick Debts, and for the Support of Government, yet as you seemed very desirous to be quickly dismissed to your private Affairs, nothing was done in that material Affair, I have therefore, the more Reason to expect you will early, and in earnest set your selves about it. For as money is called the Sinews of War, so it may in a great Measure be called the Strength of Government, and since it is in our power, it is a Duty we owe to our People, to prevent the Cry of Injustice or Oppression, by paying the Officers of the Government, and all others their just Dues without unreasonable Delays.

Gentlemen of the Council and of the General Assembly

The Things I have now laid before you are what occur to me at present for advancing His Majesty's Honour and Service, and for promoting the Welfare and prosperity of the People under my Care; and as any thing further necessary to the publick good may offer, I shall communicate it to you, and shall with great pleasure receive from you such Things as you shall judge may contribute to the same good Ends. As I have no Estate or property in the province, I do assure you, I have no sinister or private Views to pursue, but my great Care and Study shall be, to bring New Jersey into a more flourishing State, and that she may not be the least among the Kings Provinces; And to strengthen my Heart and Hands in this Purpose, I shall always be glad of your Assistance; and what will make my Administration easy and pleasant to my self and happy for the Province, will be, to find a steady Harmony subsisting between the two Houses, so shall we as one Man build np the publick Weal of this People.

J. Belcher.

Burlington November 19th 1747.

His Excellency accordingly laid before this House the Papers following (to witt)

N° 1. A Petition to His Excellency the Governor signed by Nathaniel Wheeler, Jonathan Peirson, John Canduct,[1] Nathaniel Camp Samuel Harrison and Samuel Baldwin together with great Numbers of Sheets and Names annexed many of which are of one hand Writing.[2]

N° 2. A Petition to His Excellency by Dollings Hegeman said to be in the Name and behalf of a Number of [an] injured Society of People of good report Signed by Dollings Hegeman and a number of other People

N° 3. Petition to His Excellency by the Inhabitants of Saddle River precinct to which is annexed a number of names all of one hand writing.

N°. 4. Petition to His Excellency by Thomas Clauson against Samuel [Nevill] to which is annexed a Judgment with a special Condition by the said Samuel Nevill, John Nevill and Peter Sonmans with a Certificate signed by a number of People in favour of said Clausons Character.

N° 5. A Representation from Edmund Bainbridge John Bainbridge, David Brayley, Abraham Anderson, David Price and John Anderson, markt by His Excellency—reĉed at Burlington No^{r} 3^{d} 1747 of M^{r} Bainbridge.

N° 6. Coppy of a Letter from the Committee of the New Jersey Society to the Council of Proprietors of New Jersey dated London August 26th 1746, giving Account of the revocation of their Powers to Lewis Morris.

N° 7. A paper Markt on back with these words Our Deceast Governors opinion as Council to the Inhabitants of Maidenhead and Hopewell (to witt) Lewis Morris Esq^{r}

N° 8. A Petition to His Excellency by People stiling themselves the Inhabitants of the Society of the Western Division Signed by a Number of hands Markt by His Excellency—reĉe^{d} Novem^{r} 18, 1747.

[1] Condict. [2] Printed in N. J. Archives, VII., 71.

N° 9. A Paper directed to His Excellency—signed by a Number of People stileing themselves the Committees Elected to represent His Majesty's poor Oppressed yet Loyal Subjects inhabiting Several Countys within this Colony, Signed by John Low, Edmund Bainbridge and others markt by His Excellency M^r^ Low and others rece^d^ Sep^r^ 30^th^ 1747.[1]

N° 10. An original Letter signed by David Ogden for James Alexander Robert Hunter Morris and himself dated December 22^nd^ 1744 directed To M^r^ Francis Spier and others living at Horseneck.

N° 11. An original Paper signed by David Ogden dated Dec^r^ 22^nd^ 1744 being a list of Persons living at Horseneck with the prices and Rents of their several Plantations as proposed by him.

N° 12. Coppy of a Declaration in Ejectment on the Demise of James Alexander Of the Term of May in the seventeenth Year of the Reign of King George the Second —Directed To M^r^ Francis Spier Tenant in possession.

N° 13. A Petition or Representation of Garret Durland with his Affidavit to the truth of it dated Octo^r^ 30^th^ 1747—markt by His Excellency—Garret Durlands Papers received November 18, 1747.

N° 14. An Affidavit of James Hampton Sworn before David Day dated the 6^th^ day of Nov^r^ 1747, concerning John Crosses employing him to Treat the Mob to give him possession of a Place

N° 15. Affidavits of James Bartlet, James Burling and Jacob Bidal dated the 6^th^ of Nov^r^ 1747, and Sworn before David Day justice concerning John Crosses title to a place.

N° 16. A Petition of John Everson, Bout Wortman, to His Excellency not Signed but an Affidavit at Bottom with Bout Wortmans mark—Sworn before John Whittaker dated Oct^r^ 30^th^ 1747.

[1] Printed in N. J. Archives, VII, 63.

N° 17. A Coppy of a Deed exprest to be made by Tapeshaw commander in Chief of all the Indians inhabiting what the English call the North part of the Jerseys for the Consideration of four hundred pounds Wampom value, he conveys to Andries Lowrence, Johannes Vangeesen, Michael Elenson[1] and Abraham Vangeesen and their Associates a Tract of Land on the East side of Pasaeck River and behind the Mountains called the blue hills dated the 23rd day of March 1703—it is Certified to be a true Coppy from the Original Deed and therewith Compared by Joseph Bonnel Esqr one of the Justices of the Supreme Court.

N° 18. Coppy of a Deed by Nantzeckem Amoneino Charakkaon exprest to be Natives and Sole Proprietors of a Tract of Land therein mentioned in consideration of love good will and Affection they grant to Mr Theophilus Pearson of New Ark a Tract of Land on the North side of Canse[2] Brook Swamp and East side of the South branch of Pasaeck River dated the 8th day of August 1700—It is Certified to be a true Coppy from the Original Deed Compared by Joseph Bonnel aforesaid.

N° 19. A Paper purporting to be a Coppy of a Deed by Tapeshaw Sakemore a Commander in Chief of all those Indians inhabiting the North part of what the English call the Jerseys and other Indians therein named in Consideration of Friendship &c they grant to Edward Earle Junr Theophilus Peirson, Jasper Craen, George Harrison, John Harrison, of Elizabeth Town, John Morris, Eliphulet Johnson, John Cooper, Robert Young, Daniel Dod, and William Brant a Tract of Land in the Province of West Jersey called by the Name of Mehipaning[3] on the West side of the South branch of Pasaeck River, dated the 31st of December 1701 to which is added Coppy of a proof by John Johnson one of the Witnesses before William Pinhorn.

[1] Eliassen [Vreeland]. [2] Canoe brook. [3] Whippany?

N° 20. A Paper purporting to be a Coppy of a Deed by Tapeshaw Sackamore for Consideration of £300 Wampom value by which they grant to Edward Earle jun^{r} a Tract in the Province of New Jersey upon a River called Rachaneack[1] and thence South West by West to Mackwhippaning River and thence down the Mouth of Rachaneack and thence up to the beginning dated the 29th of July 1702 to which is Added a Certificate to be a true Coppy from the Original Deed and therewith Compared by said Joseph Bonnell.

N° 21. A Coppy of a Coppy of the New Ark Indian Purchase dated the 11th of July 1667.

N° 22. A Coppy of a Coppy of the New Ark Indian purchase Dated the 13th of March 1677/8.

No 23. A Paper purporting to be a Coppy of a Deed by Tepgaw and other Indians, for a valuable Sum of good and Current money they Grant to Gerebrant Clauson, Hans Spier, Elias Transen, Christopher Slemmeck,[2] Andries Lawrence, Simon Vanness, Garrett Vanhorn, Kessell Pekerse[3] and Jan Spier a Tract in Essex County on the East side of Pasaeck River to the hills dated the first day of May 1701, marks of 17 Seals but no Names to it, it is Certified to be a true Coppy from the original Deed, Compared by said Joseph Bonnell.

N° 24. A Coppy of a Deed of Confirmation from King Queehloe King Teshmokamm Shaphae and Yaupis In consideration of Satisfaction theretofore made to their Predecessors by the inhabitants of Newark Did thereby Grant make Over and Confirm unto John Low, Samuel Harrison, Nathaniel Wheeler, Jonathan Peirson, Nathaniel Camp, John Candet[4] and Samuel Baldwin and their Associates a Tract of Land between the top of the first Mountain and the East side of Pasaeck River its dated the 14th of March 1744/5 its Witnessed by Isaac Vangeesen, Francis Cook, Daniel Taylor and Michael Vreeland—with Coppy proof by Daniel Taylor before

[1] Rachawach, or Rahway. [2] Steenmetz. [3] Hessel Peterse. [4] Condict.

Joseph Bonnell on the 8th day of November 1745, and Certified by Joseph Bonnell to be a true Coppy Examined with the Original.

N° 25. Three Papers purporting to be Coppies of Depositions Before Joseph Bonnell Esq^r^ November 18th 1745, not Signed by any Persons its Markt by His Excellency on the back—rec^d^ at Burlington Nov^r^ 3^d^ 1747, of M^r^ Candet.

N° 26. Papers purporting to be Coppy of the Grievances set forth in the Weekly Post boy of Febry 17th 1745/6. —Also Coppy of Complaints of March 1745/6, said to be subscribed unto by 659 Persons and sent to the Assembly &^c^—Also Coppy from the Committee to the Assembly of 15th April 1746—not Signed by any person.

N° 27. A Letter from Samuel Nevill to His Excellency dated October 13th 1747.

N° 28. Coppy of Extract of a Letter from His Grace the Duke of New-Castle dated May 30th 1747.

N° 29. A letter from Anthony Palmer President of the Council of Pennsylvania to his Excellency dated October 13th 1747, with an Extract of an Act providing for the Security and Defence of the Town of Lewis &^c^— with a printed Coppy of a Proclamation by the said Anthony Palmer dated the 4th of July 1747.

N° 30. Original Affidavit of Elijah Gillett Sherriff of Morris County dated the 6th of November 1747, of a Riot and Rescue committed on the 10th of August last.

N° 31. Original Affidavits of Isaac Whitehead and Sarah Whitehead of a Riot Committed on the 23^d^ of September last when the Rioters broke open the Goal of Morris County and Rescued a Prisoner there Committed both dated Nov^r^ 3^d^ 1747.

N° 32. A list of Persons names who Stand Indicted of high Treason, and of Persons Names who stand Indicted and Recorded for Riots as sent to the Governor by the Attorney General.

N° 33. A list of Persons Suspected to be Concerned in Counterfeiting New Jersey bills with twelve unsigned Counterfeit bills, inclosed Markt by the Attorney General with *J H B*

N° 34. A letter from Martin Ryerson to the Attorney General concerning passing Counterfeit Bills, and a Note on it by the Attorney General of the persons forfeiting their Recognizances to Appear for that Crime.

N° 35. A letter from Barnes and Jones dated October 25th 1747 to Justice Steward of Morris County.

N° 36. Two Examinations of Isaac Davis concerning Counterfeiting pieces like to Pieces of Eight, the one Sworn September the 28th 1747, and the other Sworn the 5th of October 1747.

N° 37. The information of Abraham Wortman concerning Counterfeiters of bills and of Pieces of Eight with a Memorandum upon it by the Attorney General its dated September 11th 1747.

N° 38. A letter from Barnes to justice Anderson dated October the 25th 1747, about Stewards being concerned with the Counterfeiters.

N° 39. An Original Affidavit of John Post concerning Counterfeiting Pieces of Eight and the Moulds by which its done dated the 5th of November 1747.

N° 40. A letter from Mr Antill to the Attorney General Dated October 26th 1747.

N° 41. The Examination of Thomas Butner taken before the Attorney General November 18th 1747.

The House continued till Friday the 20th of November 1747.

Present

The Honble James Alexander, Robert Hunter Morris, John Rodman, and Richard Smith, John Coxe } Esqrs

His Excellency's Speech was Read and Ordered a Second Reading.

The House continued till Saturday the 21st of November 1747.

Present

The Hon^ble James Alexander, Robert Hunter Morris, John Rodman, John Coxe and Richard Smith, Thomas Leonard } Esq^rs

His Excellency's Speech was read a Second time

Resolved that an humble Address be prepared in Answer thereto.

Ordered that M^r Rodman, M^r Morris and M^r Leonard or any two of them be a Committee to prepare a Draft of the same and report it to this House with all Expedition.

Ordered that M^r Secretary do carry to the House of Assembly a Coppy of the List made by this House of the Papers which his Excellency referred to in his Speech and which have been laid before this House amounting to 41 in Number and to lay before the Assembly the Papers Numbered 2, 4, 5, 6, 7, 10, 11, 12, 21, 22–26, 27, 28, 29 and to request the Assembly to cause Coppies thereof to be made for this House and to acquaint them that this House have directed Coppies of the remaining Numbers to be made with all Speed for the use of the Assembly, which Coppies to be mutually Compared and Exchanged when ready; and to request also of the Assembly that they would cause Coppies to be also made for the Use of this House of the Papers which were sent to that House by His Excellency in August last concerning the Riots and a List with Coppies of what Papers are now laid before the House by His Excellency.

The House continued till Monday 23d of November 1747.

Present

The Hon^ble James Alexander, Robert Hunter Morris, John Rodman, Peter Kemble and Richard Smith, Thomas Leonard } Esq^rs

The House continued till Tuesday 24th of November 1747.

Present

The Hon^ble James Alexander, Robert Hunter Morris, John Rodman, Peter Kemble and Richard Smith, Thomas Leonard } Esq^rs

M^r Secretary Reported that he had Obeyed the Order of Saturday

His Excellency by the Secretary laid before this House M^r Nevill's Respon N° 42.

Ordered that the Secretary do carry the same to the House of Assembly, and request a Coppy.

M^r Morris moved that His Majesty's Attorney General might be Ordered to prepare and lay before this House an Account of the several Riots and Insurrections that had been in this Province, within these three Years last past, together with the Names of the several Persons who stand Indicted for High Treason as well as those that are Indicted or Recorded for Riots as also the several Steps that have been taken to bring the Delinquents to Tryal and Punishment, and the Cause why (in his Judgment) those Steps have hitherto proved ineffectual together with the Reasons why he does not or cannot proceed in the Apprehending and Trying of those Persons lately Indicted of High Treason.

To which Motion the House Agreed, And it is Ordered accordingly.

Ordered that the Clerk of this House transmit to the Attorney General a Coppy of the above Minute.

M^r Morris moved for leave to bring in a Bill for Running and Ascertaining the Line of Partition and Division between this Province of New Jersey and the Province of New York.

Ordered that M^r Morris have leave accordingly.

The House continued till Wednesday 25th of November 1747.

Present

The Hon^{ble}	James Alexander	John Coxe	Esq^{rs}
	John Rodman	Peter Kemble	
	Richard Smith	and	
	Robert Hunter Morris	Thomas Leonard	

The Secretary Reported that he had Obeyed the Order of Yesterday.

A Message from the House of Assembly by M^{r} Nevill and M^{r} Stelle

Ordered that M^{r} Stelle and M^{r} Nevill do wait on the Council and acquaint them, that this House having Considered of their Message of Yesterday, are of Opinion that there will be no necessity of Coppying the Papers mentioned in the List sent with the said Message or any other Publick Papers, Seeing whatever Papers whether Originals or others which have been or shall be laid before this House which the Council shall at any time desire according to the former practice of both Houses may be Delivered them.

Thos Bartow Ck of the Assembly.

November 25th 1747.

The House continued till 3 °Clock P. M.

The House met.

Present

The Hon^{ble}	James Alexander	John Coxe	Esq^{rs}
	John Rodman	Peter Kemble	
	Richard Smith	and	
	Robert Hunter Morris	Thomas Leonard	

M^{r} Secretary Reported that he had Delivered a Coppy of the Order of Yesterday to the Attorney General.

The Bill Entituled an Act for Running and Ascertaining the Line of Partition and Division betwixt this Province of New Jersey and the Province of New York was Read the first Time and Ordered a Second Reading.

The House continued till Thursday 26th of November 1747.

Present

The Hon^ble James Alexander, John Coxe, John Rodman, Peter Kemble, Richard Smith, and Robert Hunter Morris, Thomas Leonard } Esq^rs

The Bill Entituled an Act for Running and Ascertaining the Line of Partition and Division betwixt this Province of New Jersey and the Province of New York was Read a second Time and Committed to the Gentlemen of the Council or any three of them.

The House continued till Friday 27th of November 1747.

Present

The Hon^ble James Alexander, John Coxe, John Rodman, Peter Kemble, Richard Smith, & Robert Hunter Morris, Thomas Leonard.

M^r Reading and M^r Hude who were appointed of the Committee by the Resolve of the 25th of August last not being in Town, Resolved that M^r Chief Justice and M^r Kemble be added to the said Committee.

Ordered that M^r Leonard do Acquaint the House of Assembly, That M^r Reading, M^r Alexander, M^r Rodman, M^r Chief Justice M^r Hude M^r Coxe and M^r Kemble or any three of them be a Committee to join the Committee of the House of Assembly to Consider in a free Conference of Ways and Means for suppressing the Riots and present Disorders in this Colony Meet for that Purpose on Monday next at five in the Afternoon at the House of the Widow Hunloke in this City and Continue to meet de Die in Diem at that place and Hour.

The Bill Entitled an Act for preventing Tumults and Riotous Assemblys which was Read the first Time on the

21st of August last was now Read a Second Time and Committed to the Committee appointed to Conferr &c

Ordered that Mr Secretary do Carry to the House of Assembly the Papers N° 1, 3, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 with the Coppies thereof which have been Examined by this House, that the House of Assembly may also Examine the same, in order, that both Houses may have them under Consideration at the same Time; And that he request of the House of Assembly the Papers laid before that House by His Excellency in August last for the Consideration of this House.

His Excellency by the Secretary laid before this House sundry Papers vizt

N° 43. Some Depositions taken before Amos Williams Justice containing some other Complaints.

N° 44. Two Depositions taken before Abraham Vanbuskirk Justice in Bergen County.

N° 45. Complaint of Edmund Bainbridge Thomas Price and others.

N° 46. A Letter from Edmund Bainbridge and John Anderson to His Excellency Dated at Bristol 26th November 1747.

The House continued till 3 °clock P. M.

Present

The Honble James Alexander, John Coxe, Richard Smith, Peter Kemble and Robert Hunter Morris, Thomas Leonard } Esqrs

Mr Leonard Reported that he had Obeyed the Order of this Morning

Mr Secretary Reported that he had Obeyed the Order of this Morning.

Mr Spicer and Mr Emley from the House of Assembly Presented for the Concurrence of this House a Bill Entitled

an Act to prevent Actions of Fifteen Pounds and under being brought into the Supreme Court of this Province.

And also a Bill Entituled An Act to continue an Act for better settling and regulating the Militia of this Colony of New Jersey for Repelling Invasions and Suppressing Insurrections and Rebellions

Which Bills being Read the first Time were Ordered a Second Reading.

M^r Leonard moved for Leave to go Home and to return on Monday—He had Leave accordingly.

The House continued till Saturday 28^th of Nov^r 1747

Present.

The Honorable James Alexander, Robert Hunter Morris, John Rodman, John Coxe and Richard Smith, Peter Kemble

The Bill Entituled an Act to prevent Actions of Fifteen pounds and under being brought into the Supreme Court, and the Bill Entituled an Act to Continue an Act for better settling and regulating the Militia of this Colony &^c were Read a second Time and both Committed to the Gentlemen of the Council or any three of them.

N° 47. His Excellency by the Secretary laid before this House a private Paper, Entituled an Answer to the Council of Proprietors two Publications &^c It ends with the words (by order of the Committee)

The papers from N° 43 to N° 47, inclusive were Read.

The House continued 'till Monday 30^th of November 1747.

Present

The Honourable James Alexander, John Coxe and Peter Kemble, Esq^rs

M^r Alexander acquainted the House that M^r Spicer this Day had delivered to him sundry Papers amounting to 29

in Number and a List of them, also a Message from the House of Assembly relating thereto, which Papers List and Message he had received from him (this House not being Sitting) at the time, and he delivered the same in at the Table, which Message is as follows.

November 28th 1747. Ordered that Mr Spicer do Carry to the Council the Papers which were laid before this House by His Excellency in August last with a List thereof according to the request of that House signified in their Message of Yesterday.

The Papers are 29 in Number

THOs BARTOW Ck of the Assembly

A Message from the House of Assembly by Mr Kearny and Mr Leaming.

Munday November 30th 1747. This being the Day Appointed by the Council for the Committees of both Houses to Meet on the free Conference Ordered that Mr Kearny and Mr Leaming do wait on the Council and Acquaint them that the Papers sent by them to this House on Friday last have been Read and referred to a Committee of the whole House on Saturday last and the said Committee not having had Time to Consider the Same, This House are of Opinion, that it will be proper to deferr the Meeting of the said Committees until the said Papers have been further Considered, of which Notice shall be given to that House

THOs BARTOW Ck

The House continued till Tuesday December 1st 1747.

Present

The Honble James Alexander, Peter Kemble, Richard Smith and John Coxe, Robert Hunter Morris } Esqrs

Ordered that Mr Secretary do Acquaint the House of Assembly that this House having Occasion to Consider the

Papers sent to the Assembly on Fryday last, Request that they may be returned to this House.

Mr Secretary Reported that he had Obeyed the above Order

The House continued till Wednesday December 2nd 1747.

Present

The Honble James Alexander, Robert Hunter Morris, John Rodman, John Coxe and Richard Smith, Peter Kemble } Esqrs

Mr Secretary Acquainted the House that he had received from Mr Bartow Clerk of the Assembly the Papers which were sent by this House to the House of Assembly on Friday last, and were requested Yesterday.

Mr Morris from the Committee who were Appointed to draw up an Address in Answer to His Excellency's Speech, Reported that they had prepared an Address accordingly, which was Read and Approved of and Ordered to be Engrossed

The House continued till 3 o'Clock P. M.

Present.

The Honble James Alexander, John Coxe, Richard Smith, Andrew Johnson, Robert Hunter Morris & Peter Kemble } Esqrs

The House continued till Thursday December 3d 1747.

Present.

The Honble James Alexander, Andrew Johnson, Richard Smith, Peter Kemble, Robert Hunter Morris and John Coxe, Thomas Leonard } Esqrs

The Engrossed Address being Read and Examined

Ordered that the Speaker do Sign the same.

Ordered that Mr Chief Justice and Mr Coxe do wait on His Excellency and Acquaint him that the House is ready to

attend him with the said Address when His Excellency will be at Leisure to receive the Same.

M^r^ Chief Justice and M^r^ Coxe Reported that they had waited on His Excellency, who was pleased to Say, that he would be ready to receive the Address of this House on Saturday Morning.

The House continued till 3 o'clock P. M.

Present.

The Hon^ble^ James Alexander, Richard Smith, Robert Hunter Morris, John Coxe, Andrew Johnson, Peter Kemble, and Thomas Leonard } Esq^rs^

The House continued till Friday December the 4^th^ 1747.

Present.

The Hon^ble^ James Alexander, John Rodman, Richard Smith, John Coxe, Robert Hunter Morris, Andrew Johnson, Peter Kemble and Thomas Leonard } Esq^rs^

Ordered that M^r^ Secretary do Carry to the House of Assembly the Papers received from their Clerk on Wednesday the Second Instant and keep the Coppies thereof for the Use of this House. M^r^ Secretary Reported that he had Obeyed the above Order.

N^o^ 48. M^r^ Secretary by His Excellency's Order laid before this House a Letter from Stephen Hopkins Dated at Providence September 29^th^ 1747, with Affidavits and a Coppy of a Letter from His Excellency in Answer thereto Enclosing seventy Counterfeit Bills of Credit of this Province 10 of them of Bills of 12/ and 60 of them of 6/ each, which are now numbered from 1 to 70 and marked on the back (Read) which Papers were Read.

The House taking into their Consideration the present Dangerous State of the Province and the absolute Necessity of Speedy Measures to Enforce the Laws and Support His Majesty's Authority, and being willing to do all in their Power, to Contribute to those good purposes Do order that the Committee appointed to join a Committee of the Assembly to Consider of Ways and Means for Suppressing the Riots and prevent Disturbances, Do Meet for that Purpose, at the Widow Hunlokes at five o'Clock this Afternoon, and that M^r Leonard do Acquaint the House of Assembly therewith and request of them that their Committee may attend at the Time and place Appointed.

The House continued till 3 o'Clock P. M.

Present.

The Hon^ble	James Alexander	John Coxe	Esq^rs
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

A Message from the Assembly by M^r Stelle and M^r Leaming.

Ordered that M^r Stelle and M^r Leaming do wait on the Council and Acquaint them in Answer to their Message by M^r Leonard, Received about three o'Clock this Afternoon, that this House having received the Papers sent from this House to the Council on Tuesday last Except (N^o 32,) about 11 o'Clock this Morning when they were closely Engaged on the Bill for Support of Government, They have not had Time to Enter into a Committee of the whole House to Consider those Papers (to which they were referred) But that as soon as the House have gone thro' the Bill for Support of Government they will resolve into a Committee of the whole House on this Affair as Recommended in His Excellency's Speech, and when the said Committee have Reported thereon the Council shall be Informed thereof; That the Committees

of both Houses in the free Conference may proceed without Delay.

December 4th 1747. THOs BARTOW Ck

The House continued till Saturday December 5th 1747.

Present

The Honble James Alexander, John Coxe, John Rodman, Andrew Johnson, Richard Smith, Peter Kemble & Robert Hunter Morris, Thomas Leonard Esqrs

The Council waited on His Excellency with their Address which is as follows.

May it please your Excellency.

We His Majesty's Council for the Province of New Jersey in General Assembly met begg leave to return your Excellency our thanks for your favourable Speech to both Houses delivered on the nineteenth of last Month and to Assure your Excellency that we are come together with hearty inclinations to promote the Welfare of the Province, and shall do every thing in our power to give Dispatch to those things that we shall Judge conducive to the publick Advantage.

The Secretary agreeable to your Excellency's orders has laid before us sundry Petitions and other Papers which we have now under our Consideration and if upon a diligent enquiry we judge the Complainants entituled to the Aid of the Legislature we shall readily join in the most effectual Measures for that Purpose.

It is with the utmost concern we have heard of the many Insurrections that have hap'ned in this Province of late Years. These bold and daring Attempts to throw off His Majesty's Authority and their Dependance on the Crown of Great Britain—The trampling as they have done the Laws of their Country under foot and bidding publick and open Defiance to the Government must soon bring upon the

Province the Calamity of a Civil Warr if timely and effectual Measures are not taken to put a Stop to its rapid Progress.

These Insurrections are managed by numbers of People in this Province who for the better carrying on their wicked purposes keep up a Correspondence as well by Letter as by the Communication of the persons concern'd—This Combination so dangerous to the Peace and Dependance of the Province has too long Subsisted and is Supported by such a Number of Desperate people that all the Efforts of the Government to Dissolve it and to bring the Delinquents to Justice have been to no purpose. In Consequence of which the Course of Common Justice is at a Stand—His Majesty's leige Subjects are deprived of the Benefits of the Law their Propertys are no longer protected and great Numbers of Men who stand Indicted for High Treason in Levying warr against our Sovereign Lord the King and other Great Crimes have the boldness to brave the publick Justice of the Province and to Travel openly about the Country in Defyance of the Laws.

We cannot but observe to your Excellency that this Combination was Set on foot and first Shewed it Self by a Riot in Essex on the Nineteenth of September 1745, A Time when His Majesty His Ministers and His Forces were all busily employed in prosecuting a just and necessary Warr against two powerful Nations and in Quelling an Unnatural Rebellion at that time Raging in Great Britain And their choosing that time for the perpetration of their wickedness shews the design of throwing off their Dependance on the Crown of Great Britain was deeply laid because at that time it was not possible for His Majesty to Spare any of his Forces to give a Check to it and this they Bouy'd themselves up with and publickly gave out.

To render themselves more secure to establish themselves hereafter and to Strengthen their Hands for the Better Execution of their Scheme they have publickly denied His Majesty's Right to the Soil of His Plantations Avowing that His Grants thereof are Void. They have in contempt of His Majesty's orders and contrary to the express Laws of the

Country made large purchases of Lands from the Indians without the leave of the Government and have Set up Obsolete Indian Deeds obtained in a criminal and clandestine manner as the best and only title to the Soil of America And have drawn into their Confederacy Numbers of Men Seated by Lease and otherwise on Lands to which they have not the least Pretence to Support their new Scheme of Power.

These proceedings may it please your Excellency have already brought things to this Crisis that His Majesty's authority is no longer regarded His Lawful Commands are Treated with contempt His known Officers beat and abused in the Execution of their Offices, His Goals in different Counties of this Province broke open and the Prisoners therein detained and released from their Confinement and ruin and Desolation threatned to His Majesty's faithfull Subjects that Should oppose them in the Execution of their wicked Practices.

To put an effectual Stop to these dangerous attempts We have from time to time done every thing in our power agreeable to our Inclinations and the Trust Reposed in us by His Majesty, And we wish we could Say that the Desired Success had attended our Endeavours.

Your Excellency's happy arrival among us and your Strong Inclinations to do Justice in the Province and re-Establish His Majesty's Authority and the Laws of the Country we expected would have put a Stop to their progress and Given a Check to their Insolent Behaviour but we find it had not that Effect On the Contrary they go on in the manner they Used to do and have Committed two Riots in the County of Morris and one in the county of Essex since your Arrival.

Had these people been denyed the benefits of the Law had there been any Tyranny whatsoever exercised over them there might have been Some pretence for their Acting in the Manner they have done (tho' it be wrong and irregular) but so far is it from any thing of that kind that they have lived under the protection of the Laws of England the Mildest in the World and Executed in the Mildest manner Courts both of

Law and Equity have been constantly Subsisting in the Province and the Method of Appealing from one to another has been long Settled and the Course of Justice known to the people of the Province And as your Excellency justly Observed had they been in any thing aggrieved they might have applyed themselves to His Majesty's Courts of Judicature and from thence by appeal to His Majesty in Council Who Could and doubtless would have done them Justice But they were and are above asking redress of the Laws in the regular and ordinary Course or Submitting to any other determination than that of their own Will and Pleasure.

Your Excellency has a very just Sense of the Consequence of these proceedings and your Duty and Affection to the Best of Kings who has Trusted His Authority in this Province in your Hands as well as your own Inclinations to give Peace and Tranquility to a People committed to your Charge we are well Assured will all Conspire to Induce your Excellency to Act with Vigour in an Affair where His Majesty's Authority is at Stake and where too much Lenity to such Criminals may be Cruelty to a Country.

Agreeable to your Excellency's Advice we have Appointed a Committee to join a Committee of the House of Assembly to consider of the most effectual Means to put a Stop to these disturbances, Upon this Committee We have named those of our Members that have made the Law their Study and are therefore best acquainted with the Nature of the Offences Committed and best able to Advise as to the remedies Adequate to the Occasion.

We do assure your Excellency that none of the Members of our House are any otherwise Interested in this Affair than as they are Freeholders in the Province and faithful subjects to the King and as Such we Conceive every Freeholder and good Subject in the Province is interested and the Greater the Freehold the Stronger the Interest to Put an End to the Disturbances and to restore Peace to this Province as the Pretence and Proceedings of these Publick disturbers strike at the foundation of Property in Lands, at His Majesty's Authority and the Laws of the Country.

As the Suppressing of these Riots is of the greatest Consequence to the safety of the Province and its Dependance on the Crown of Britain and as His Majesty's Authority in His Plantations is evidently Struck at we shall make it the principal Object of our Care and to the utmost of our power shall afford Your Excellency all possible Assistance in restoring the Peace of the Province and Re-Establishing the Laws of the Community.

By Order of the House

JA. ALEXANDER Speaker.

Burlington Dec^{r} 3^{d} 1747.

To which His Excellency was pleased to make a favourable Answer.

M^{r} Leaming and M^{r} Brick from the House of Assembly presented for the Concurrence of this House a Bill Entituled an Act for Erecting the Southern parts of the County of Salem in New Jersey into a separate County and Ascertaining the Boundaries of the several Precincts therein.[1]

The House Continued till Monday December 7th 1747.

Present.

The Hon^{ble} James Alexander	Andrew Johnson	}	Esq^{rs}
Richard Smith	Peter Kemble		
Robert Hunter Morris	and		
John Coxe	Thomas Leonard		

The Bill Entituled an Act for Erecting the Southern parts of the County of Salem in New Jersey into a Separate County &^{c} was Read and Ordered a Second Reading.

The House continued till Tuesday December 8th 1747.

Present.

The Hon^{ble} James Alexander	John Coxe	}	Esq^{rs}
John Rodman	Andrew Johnson		
Richard Smith	Peter Kemble &		
Robert Hunter Morris	Thomas Leonard		

[1] This act set off Cumberland county. It was passed January 19th, 1747–8.—*Revision of New Jersey, 202.*

Mr Chief Justice informed the House that in the Term of August last held at the City of Perth Amboy for this Province sundry Persons to the Number of 32 were Indicted of High Treason[1] in Levying Warr against our Sovereign Lord the King by the Grand Jury of the County of Middlesex the Names of the particular Persons had been returned to the Governor by His Majesty's Attorney General and laid before this House That at the Term of November last Process of High Treason was Ordered against the several Persons so Indicted Directed to the Sherriffs of the Countys where the several Delinquents resided.

That by virtue of one of the said Writts directed to the Sherriff of Hunterdon against David Brayley[2] one of the Persons so Indicted the said Sherriff on the twenty fifth day of November last took the said David Brayley and Committed him to His Majestys Goal at Trenton where he lay till the fourth Instant in the Evening when a Number of Persons came in a Body and broke open said Goal and took from thence the said Brayley in Contempt of His Majesty's Authority and the Laws of the Country

The Chief Justice also informed the House that he had received Information that the Persons concerned in taking Brayley[3] out of the Goal at that time gave out that they intended to come to Burlington this Week in a great Body in order to lay their Grievances before the Assembly and to prevent their being taken up and Confined for any of the Crimes they had Committed.

The House Considering that a great Body of Men coming to the Town where His Excellency and the other Branches of the Legislature are sitting may be of most dangerous tendency to the Peace and Security of the Province to the personal safety of His Excellency and others concerned in the Legislature and of pernicious Example are therefore of Opinion that this Matter be immediately Laid before His Excellency

[1] For their names, see N. J. Archives, VII., 458.

[2] David Brearley, doubtless the father of David Brearley, subsequently Chief Justice of the State of New Jersey.

[3] See N. J. Archives, VII., 86, 219.

that he may take such Measures to prevent the Same and in Execution of the Laws as shall be judged most Effectual.

The House continued till Wednesday December 9th 1747.

Present

The Hon^ble James Alexander	John Coxe	Esq^rs
John Rodman	Andrew Johnson	
Richard Smith	Peter Kemble &	
Robert Hunter Morris	Thomas Leonard	

M^r Nevill and M^r Hopkins from the House of Assembly presented for the Concurrence of this House a Bill Entituled an Act for making Current Forty thousand Pounds in Bills of Credit.

The Bill Entituled an Act for Erecting the Southern parts of the County of Salem in New Jersey into a Seperate County &^c was Read a second Time and Committed to the Gentlemen of the Council or any three of them.

The Secretary by His Excellency's Order laid before this House His Excellency's Answer to the Address of this House in the following words.

Gentlemen of the Council.

I thank you for this kind Address, and for the assurance you give me of your best Advices and Resolutions to Assist me to the utmost of your Power for bringing to an End the Confusions and Disorders that have too long Subsisted in the Province from the Atrocious Attempts of a Combination of the Sons of Violence who seem to Imagine themselves capable of giving Rules to the Kings dutiful Subjects, and such as tend only to Anarchy and all sorts of Evil, And I heartily wish the Members of His Majesty's Council and those of the General Assembly may so Agree as to Let me have the Honor and Happiness of giving a finishing hand to the Establishment of the Peace and Tranquility of the Province.

J. Belcher

Burlington December 8th 1747

The House continued till 3 o'Clock P. M.

Present

The Hon^{ble}	James Alexander	Andrew Johnson	Esq^{rs}
	Richard Smith	Peter Kemble	
	Robert Hunter Morris	and	
	John Coxe	Thomas Leonard	

The Secretary Reported that he had Carried to the House of Assembly the Paper N° 32 which he had detained in his Hands untill he could make a second Coppy thereof the first being delivered to the Attorney General

This House having Examined the Coppies of the Papers N° 43, 44, 45, 46, Ordered that the Secretary do Carry to the House of Assembly the said Papers with the printed Paper N° 47.

The House continued 'till Thursday December 10th 1747.

Present

The Hon^{ble}	James Alexander	John Coxe	Esq^{rs}
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

M^{r} Secretary reported that he had Obeyed the order of Yesterday.

His Excellency having Yesterday communicated to the Council a letter from David Martin Esq^{r} Sherriff of Hunterdon Dated at Trenton the Sixth day of December instant, Ordered that it be entered on the Minutes of this House and it is in the following Words.

Sir,

I think it my duty to inform your Excellency that Yesterday about four in the afternoon, a number of Men came to Trenton in a Riotous manner, armed with Clubs and Cudgels and breaking open the prison took away with them one David Brayley a Prisoner under my Care and keeping, whom I had arrested at the Suit of the King by virtue of a Writt issued out of the Supreme Court of this Province on an Indictment

for high Treason. A Defence of the Goal to any available purpose being impracticable as matters stand here at present I contented myself with meeting them in the Street near the Prison door, and enquiring what they came for in such a Riotous manner, they answered they came for David Brayley whom I detained in prison and whom they must have out, I expostulated with them about the heionousness of the Crime they were going to commit, that the repeating the Crime so often was a great Aggravation of their Guilt, and Observed to them that whatever Constructions the Law might put on what they had done before in breaking Goals, yet as the prisoner, yet as the prisoner whom they now came to Rescue was committed at the Suit of the King by virtue of a Writt on an Indictment for High Treason the rescuing of him was undoubtedly high Treason by the Law; and the doing of it at this particular juncture, was a great Insult, and an Open defiance to the whole Body of the Legislature of this Province, now sitting and deliberating how to quiet the disturbances they had occasioned in a manner the most tender to them. They listned to Me with Attention and John Anderson and Edmund Bainbridge their two chiefs answered me that they were going next Week to give an Account of all their proceedings to the Governor and Assembly. Having a Writ against Edmund Bainbridge for the same Crime with Brayleys, I arrested him in the midst of them, and told them it was equally Criminal to rescue Bainbridge as Brayley but all to no purpose. I shall be glad to receive your Excellency's Instructions how to behave in this difficult affair; and am with dutiful Regard your Excellency's Obedient

& most humble servant

D. Martin.[1]

Trenton Dec^{r} 6th 1747.

The House having received Information upon which they can Depend that a Number of Evil minded Men did on

[1] Another copy of this letter is printed in N. J. Archives, VII., 86, as found among the papers of James Alexander, and now in the Rutherfurd Collection, Vol. I., No. 30. The letter as given in the Archives is doubtless more faithful to the original than the copy above given, from which it differs, though not materially.

Friday the 4th Instant Assemble themselves in an unlawful manner in the Town of Trenton and then in open Defiance of the Law and Contempt of His Majestys Authority did break open His Majestys Goal for the County of Hunterdon and forcibly take from thence one David Brayley who stood Committed upon a process issued out of the Supreme Court of this Province at the Suit of the King for High Treason in Levying Warr against our Sovereign Lord the King tho' They knew that the said Brayley was Indicted and stood Committed for High Treason.

And this House having also received information That the Persons so Assembled at Trenton for the Treasonable purposes aforesaid Did then give out certain Threatning Expressions of their Intentions of coming to this Town in a great Body in Order to Apply to the Governor and Assembly and to prevent their being Apprehended by the Officers of the Government for any of the Crimes they had Committed; And this House taking the said Information into their Consideration and Weighing the many Dangerous Consequences that may attend such a bold and daring Insult upon the Legislature now Sitting, and that from the past Conduct of the desperate People concerned in Supporting and perpetrating the many Riots and Treasonable insurrections that have been committed in this Province there is too much Reason to Expect they will carry into Execution their Threats of coming to this Town in a Body

And as His Majesty's Authority and the Laws of the Community are openly Slighted and abused by such repeated Insurrections and as such an Insult upon the Legislature will be of most dangerous and pernicious Example and Occasion the greatest Confusion in the Province.

This House are therefore of Opinion that the most effectual Measures should immediately be Concerted in order to prevent any such Traiterous Design against His Majesty's Authority, the freedom of the Legislature or the Peace and safety of the Province, and in Order to Strengthen the Hands of the Government so as to Enable them to bring to Tryal and Punish-

ment those Persons who have been daring enough to Act in such open Violation of the Laws of the Country. Whereupon it is agreed that a Conference be desired of the House of Assembly upon the Subject matter aforesaid.

And it is Ordered that M^r^ Kemble Do wait on the House of Assembly and request a Conference accordingly And (to prevent Delay in a Matter of so great and immediate Consequence) Acquaint them that this House have appointed M^r^ Chief Justice M^r^ Coxe and M^r^ Johnson, to be a Committee to Conferr with such Committee as the House of Assembly shall Appoint on the said Subject matter And that the said Committees do Meet for that Purpose at the Widow Hunlokes at five o'Clock in the Afternoon.

Collonel Peter Schuyler delivered in a Memorial Directed to His Excellency the Governor, to the Council and Assembly which was Read.

The House continued till 3 o'Clock P. M.

Present

The Hon^ble^	James Alexander	John Coxe	Esq^rs^
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

M^r^ Kemble Reported that he had Obeyed the Order of this Morning.

A Message from the House of Assembly by M^r^ Leaming and M^r^ Daniel Smith.

Dec^r^ 10^th^ 1747. Ordered that M^r^ Leaming and M^r^ Daniel Smith do wait on the Council and Acquaint them that this House have appointed M^r^ Kearny, M^r^ Cooper, M^r^ Spicer, M^r^ Fisher, M^r^ Hancock and M^r^ Richard Smith to be a Committee to Conferr with a Committee of that House at the Time and Place appointed in a Free Conference (if that be intended by that House) on the Subject matter of their Message.

THO^s^ BARTOW, C^k^

The House continued till Friday December 11th 1747.

Present.

The Honble James Alexander	John Coxe	Esqrs
John Rodman	Andrew Johnson	
Richard Smith	Peter Kemble &	
Robert Hunter Morris	Thomas Leonard	

The Bill Entituled an Act for making Current Forty thousand Pounds in Bills of Credit was Read the first Time and Ordered a Second Reading.

Mr Cooper and Mr Stelle from the House of Assembly Presented for the Concurrence of this House a Bill Entituled an Act to oblige the several Sherriffs of this Colony of New Jersey to give Security, take the Oaths and Affirmations therein directed for the due Discharge of their Offices, and to Prevent their too long Continuance therein.

Mr Johnson Chairman of the Committee appointed to Conferr upon the Subject Matter of the Message sent Yesterday to the House of Assembly Reported from the Committee that according to the Order of this House they had Met with the Committee appointed by the Assembly who Declared that they had no Authority from their House as they understood to Conferr upon any other matter contained in the said Message than what related to the Designs formed by the Rioters of Coming in a Body to this Town and interrupting the freedom and safety of the Legislature And upon this Point the Committees appointed by both Houses came to this Conclusion that it might be proper and prudent for each of the said Houses with all possible Expedition to form Resolves showing their Disapprobation of receiving any Petitions from Men coming in a Tumultuous and Riotous manner and Notifying the same in the most publick manner, that Each of the said Houses would exchange with the other such Resolves, And it was also thought necessary to submit the other part of the said Message to the Committees Appointed by both Houses on the Twenty fifth day of August last.

A Message from the House of Assembly by Mr Cooper and Mr Stelle.

Mr Kearny one of the Committee appointed on the free Conference with the Committee of the Council on the Subject matter of the Message of that House Reported that the Committees met and did Conferr thereon and Agree to Report to both Houses as the Committees that some Resolutions be entered into proper to Discourage such large Numbers of Persons coming down to this Place to lay their Complaints before any Branch of the Legislature in such manner as is Reported, But that if any Persons who have been Indicted or legally Accused of the Disorders Committed in this Colony have any thing to Offer it ought to be done in a Decent manner by a small Number of others in their Behalf.

Resolved nemine contradicente That any Number of Persons coming to Present Petitions or lay Complaints before any Branch of the Legislature in a Tumultuous manner or in Company with any Person or Persons Indicted for or legally accused of the Disorders Committed in this Colony in order to protect or Countenance such Persons is and will be a High Infringement of the Priviledges of the Legislature an Insult upon them and a Contempt of the Laws, but if any of those Persons so Indicted or Accused have any thing to Offer it ought to be presented in a decent Manner by a small Number of others in their behalf.

Ordered that Mr Cooper and Mr Stelle do wait upon the Council with a Coppy of the above Resolve and Report and acquaint them that this House Proposes forthwith to Order the Sherriff of Hunterdon to publish the said Resolve in some of the most publick Places of that County.

Decr 11th 1747 Thos Bartow Ck

Whereas this House having received information that some Persons who stand indicted and Accused of High Treason in Levying Warr against our Sovereign Lord the King and for

other great Crimes intend to gather a great Number of Men in order to Come in a Body to this Town in High Contempt of the Laws of the Country and of the Legislature of the Province now Sitting. And whereas the Design of their coming in the manner proposed is given out to be in order to lay their Grievances before the Legislature and to protect such Persons as stand Accused of any Crime from being taken by the Kings Officers The House therefore Unanimously came to the following Resolutions (Viz^{t})

Resolved that any Number of Men gathering themselves together or Assembling in a Riotous and Tumultuous manner in order to accompany any Petitions or lay any Complaints before any of the branches of the Legislature of this Province is dangerous to the Peace and safety of the Province a High Contempt of the Body of the Legislature an open violation of the Laws and Constitution Evidently tending to Infringe and break in upon the Liberty and Independency of the several Branches of the Legislature to Awe and Influence them in Matters under their Consideration and is of most Dangerous and Pernicious Example.

Resolved that any Number of Men gathering themselves together or Assembling in order to protect any person from being taken by the officers of the Government who stand Indicted or legally Accused of High Treason or any other Crime is a great Contempt of His Majesty's authority, of the known Laws of the Land and is highly Criminal.

Ordered that the Sherriffs of Hunterdon, Somerset, Middlesex and Essex do publish and Affix these Resolutions in the most publick places in their respective Counties.

Ordered that M^{r} Smith do wait on the House of Assembly with the Resolutions of the House of this day and, Acquaint [that body] that this House think it Advisable forthwith to Order the Sherriffs of Hunterdon Somerset Middlesex and Essex to publish the said Resolves in the most public Places of their respective Counties and Hope that House will Extend their Order to the said Counties.

The House continued till Saturday December 12th 1747.

Present

The Hon^ble	James Alexander	John Coxe	Esq^rs
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

M^r Smith reported that he had Obeyed the Order of Yesterday.

The Bill Entitled an Act to Oblige the several Sherriffs of this Colony of New Jersey to give Security &^c was read the first Time and Ordered a Second Reading

The Bill Entituled an Act for making Current Forty thousand pounds in bills of Credit was read a second Time and Committed to the Gentlemen of the Council or any three of them.

In pursuance of the Order of this House of the twenty third of November last directed to the Attorney General he sent to this House the papers following (viz^t)

N^o 49. The Facts of the Essex Riots Stated the first of May 1746.

N^o 50. The State of the Riots and Treasons committed in this province referring to N^o 32, with an Account of what Steps have been taken by him to bring them to Justice and the reason Why (in His opinion) those Steps have proved ineffectual, Both which papers were read.

The House continued 'till Tuesday December 15th 1747

Present.

The Hon^ble	James Alexander	John Coxe	Esq^rs
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

The Bill Entituled an Act to Oblige the several Sherriffs of this Colony to give Security &c was read a Second Time and Committed to the Gentlemen of the Council or any three of them.

The House continued 'till Wednesday the 16th of December 1747.

Present

The Hon^ble	James Alexander	John Coxe	Esq^rs
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

His Excellency by the Secretary laid before this House sundry Depositions relating to the breaking open the Goal at Trenton on the fourth Instant and rescuing from thence one David Brayley who therein stood Committed for High Treason And also relating to the Intention of the Rioters to come in a Body to the City of Burlington on the sixteenth Instant.

N° 51. The Deposition of Joseph Higby.
N° 52. The Deposition of Jasper Smith
N° 53. The Deposition of John Allen Jun^r
N° 54. The Deposition of William Morris Jun^r
N° 55. The Deposition of John Jenkins
N° 56. The Deposition of Frederick Garest
N° 57. The Deposition of David Martin which were Read.

Ordered that the Secretary do carry the above Depositions to the House of Assembly.

M^r Secretary Reported that he had Obeyed the above Order.

The House continued 'till Thursday December 17th 1747.

Present

The Hon^ble	James Alexander	John Coxe	Esq^rs
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

A Message from the House of Assembly by Mr Cooper and Mr Eatton.

Ordered that Mr Cooper, Mr Eatton, Mr Cook, Mr Spicer, and Mr Leaming be a Committee to join a Committee of the Council to Inspect the Treasurers Accounts, and also to Inspect and Burn the Cancelled Bills now in the Hands of John Allen Esqr and make Report to the House and that Mr Cooper and Mr Eaton do inform the Council thereof and Desire that House to Appoint a Committee for that purpose.

Thos Bartow Ck of the Assembly.

Ordered that Mr Rodman Mr Smith and Mr Leonard or any two of them be a Committee to join the Committee Appointed by the House of Assembly to Inspect the Treasurers Accounts and also to Inspect and Burn the Cancelled Bills now in the Hands of John Allen Esqr and make report to this House And that they Meet at such Time and Place as the Committee shall Agree upon.

Ordered that Mr Smith do acquaint the House of Assembly therewith.

The House continued 'till Friday December 18th 1747.

Present.

The Honble	James Alexander	John Coxe	Esqrs
	John Rodman	Andrew Johnson	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

Mr Smith reported that he had Obeyed the Order of Yesterday.

Ordered that a list of the Papers laid before the House of Assembly by His Excellency in August last and which were sent to this House from the House of Assembly be Entered in the Minutes of this House and that the said Papers be referred to the Committee appointed by this House to Conferr with the Committee of the House of Assembly. Which list is as follows: (Vizt)

N° 1. A Petition of Sundry Inhabitants of the Counties of Morris and Somerset for Relief against the Rioters Dated August the 14th 1747.

N° 2. A Petition of Daniel Cooper and others praying the Same

N° 3. Ralph Smiths Affidavit giving Information of some Combinations of People to dispossess persons of their Lands taken May 8th 1746.

N° 4. Burgoons Brocaws Affidavit concerning breaking open Somerset Goal by Rioters taken December the 3rd 1746.

N° 5. David Drakes Affidavit concerning the same and also threatning Mr Nevill dated December the 8th 1746.

N° 6. Francis Hollinsheads Affidavit concerning breaking open Somerset Goal by the Rioters taken December the 8th 1746.

N° 7. John Bennets Affidavit concerning the same, Same Date.

N° 8. Elisha Parkers Affidavit about Rioters turning out Burnets Tenants taken December 18th 1746.

N° 9. Joseph Dalrymples Affidavit concerning the Rioters going to turn him out of possession of his Lands taken April 4th 1747.

N° 10. Thomas Miller and Thomas M°Donnells Affidavit concerning the same taken April 15th 1747.

N° 11. Solomon Boyles Affidavit concerning the Rioters their devices and purposes &c taken 13th May 1747.

N° 12. Solomon Boyle's 2d Affidavit concerning the same taken June the 1st 1747.

N° 13. Richard Fitzrandolphs Affirmation concerning the Riot at Amboy breaking open the Goal &c taken July 20th 1747.

N° 14. William Dear and Jarret Walls Affidavit concerning John Bainbridge his Threatning after the Riot at Amboy taken July 20th 1747.

N° 15. Jediah Higgins and William Hutchinson's Affidavit

concerning John Wetherills Speeches in favour of the Rioters taken July 21st 1747.

N° 16. James Thomson and John Stelle's Affidavit concerning the Riot and breaking open the Goal at Amboy taken July 23d 1747.

N° 17. John Throgmorton's Affidavit concerning Edmund and John Bainbridges behaviour and Threatnings after the Riot at Amboy taken August 10th 1747.

N° 18. Abraham Covenhovens Affidavit concerning the Rioters breaking open Somerset Goal taken December 3d 1746.

N° 19. Barefoot Brunsons[1]

N° 20. Affidavit of James Blains about the Indians at Cranberry taken April 9th 1747.

N° 21. William Browns Affidavit concerning the people on the Society's great Tract Entering into Agreements Taken May 3d 1746.

N° 22. Isaac Brower, William Ramsay and Conrad Fredericks Affidavit concerning Mrs Valleau and others threatning to Turn Edward Jeffers out of possession at Romopock taken August 20th 1746.

N° 23. Edward Jeffer's Affidavit concerning the same taken 26th August 1746.

N° 24. Andrew Kelley's Affidavit concerning Threatning Mr Nevill after breaking the Goal at Amboy Taken July 20th 1747.

N° 25. Ebenezer Salter's Affidavit concerning Clauson's Threatning Mr Nevill taken July 20th 1747.

N° 26. Sarah Martins Affidavit concerning the Riot at Amboy and the Threatning Mr Nevill.

N° 27. James Thompsons Affidavit about Mr Nevills being Threatned by a Rioter at Amboy Taken July 18th 1747.

N° 28. Barefoot Brunsons Affidavit concerning Thomas Clauson's Behaviour to and Threatening of Mr Samuel Nevill taken the Sixth of December 1746.

[1] Query: Brumson? See N. J. Archives, IV., 89.

N° 29. Samuel Nevill Esq[r] Affidavit concerning the same taken the 8[th] of December 1746.

The House continued 'till Tuesday the 22[nd] of December 1747.

Present.

The Hon[ble] James Alexander, Robert Hunter Morris, John Rodman, and Richard Smith, Thomas Leonard } Esq[rs]

M[r] Alexander Acquainted the House that M[r] Cooper and M[r] Kearny from the House of Assembly had on Saturday last delivered to him a Bill Entituled an Act for the Support of His Majesty's Government for one Year to Commence from the tenth day of August 1747, to the tenth day of August 1748, and to Discharge the Publick Debts and the Arrearages and Contingent charges thereof with an Order from the House of Assembly to those two Members to Carry the said Bill to the Council, which Bill and Message he had received from them this House not Sitting at the Time, And he delivered the said Bill and Message in at the Table.

The Bill Entituled an Act for the Support of His Majesty's Government for One Year was Read the first Time and Ordered a Second Reading.

The House continued 'till Wednesday December 23[d] 1747.

Present

The Hon[ble] James Alexander, Robert Hunter Morris, John Rodman, John Coxe and Richard Smith, Thomas Leonard } Esq[rs]

M[r] Alexander Informed the House that M[r] Cooper and M[r] Daniel Smith from the House of Assembly had Yesterday delivered to him a Bill Entituled an Act to Impower sundry Inhabitants of the Counties of Burlington and Gloucester and others to Erect and Build a Draw or Swing Bridge over Coopers Creek in the said County of Gloucester and for Appointing Commissioners to lay out a more direct Road from

Burlington over the said Bridge to Coopers Ferries with an Order from the House of Assembly to those two Members to Carry the same to the Council for their Concurrence.

Which Bill and Message he delivered in at the Table.

Mr Nevill and Mr Cooper from the House of Assembly presented for the Concurrence of this House a Bill Entituled an Act to Enable the Legislature to settle the Quotas of the several Counties in this Colony when it shall be Necessary to make a Provincial Tax.

This House at the request of His Excellency the Governor continues 'till Tuesday the 29th of December 1747.

Present.

The Honourable James Alexander, John Rodman, Richard Smith } Esqrs

The House continued 'till Wednesday December 30th 1747.

Present

The Honble James Alexander, John Rodman, Richard Smith, Robert Hunter Morris, John Coxe and Andrew Johnson } Esqrs

The House continued 'till Thursday December 31st 1747.

Present

The Honble James Alexander, John Rodman, Richard Smith, Robert Hunter Morris, John Coxe and Andrew Johnson } Esqrs

The Bill Entituled an Act to Impower sundry Inhabitants of the Counties of Burlington and Gloucester and others to Erect a Draw or Swinging Bridge over Coopers Creek in the said County of Gloucester and for Appointing Commissioners to lay out a more direct Road from Burlington over said Bridge to Coopers Ferries was Read the first Time and Ordered a second Reading.

Ordered also that the Proofs of the matters of Fact mentioned in said Bill be laid before this House.

The Bill Entituled an Act to Enable the Legislature to settle the Quotas of the several Counties in this Colony when it shall be necessary to make a Provincial Tax was read a first Time and Ordered a Second Reading

Ordered that M^r Chief Justice be one of the Committee to Inspect the Treasurers Accounts in the Stead of M^r Leonard who is absent.

Ordered that M^r Smith do Acquaint the House of Assembly therewith.

The Bill Entituled an Act for the Support of this Government of His Majestys Colony of New Jersey was Read a second time and Committed to a Committee of the whole House.

Ordered that M^r Smith do Wait on the House of Assembly and request the several Accounts mentioned in the Bill for Support of Government with the Vouchers of the Articles thereof for the Consideration of this House.

The House continued 'till Friday January 1^st 1747.

Present

The Hon^ble James Alexander, Robert Hunter Morris, John Rodman and Richard Smith, Andrew Johnson } Esq^rs

His Excellency Came into Council and informed the Gentlemen of the Council that he came with Intention to Hear the Debates that should be upon any Bills, that by Hearing the Substance of them discussed He might be the better able to form a Judgment of the Necessity of any Bill proposed And that He thought it for His Majesty's Honour and Service and for the good of the Province, that he should be present when any Bill was Debating in Council. That he finds by the Council Books that this has been the Practice of all His Majesty's Governors of this Province (His late Excellency M^r Morris only Excepted) That he would constantly

Attend the Council for the aforesaid Purposes, But did not intend to Vote or otherwise to Intermeddle with or Direct any of the Proceedings of the Council in their Legislative Capacity.

Mr Smith Reported that he had Obeyed the Order of Yesterday.

Mr Alexander acquainted the House that Mr Daniel Smith and Mr Hopkins had Delivered to him a Message from the House of Assembly which he had received from them, this House not Sitting at the Time and he delivered the same in at the Table which was Read, And it is in the following Words.

Ordered that Mr Daniel Smith and Mr Hopkins do Wait on the Council and Acquaint them in Answer to their Message of Yesterday, That the request of that House of our sending the Accounts mentioned in the Bill Entituled an Act for Support of Government &c with the Vouchers of the Articles thereof for the Consideration of that House is a thing New and at present Appears to this House to be Unprecedented and in its Consequences may very nearly Affect the Rights and Priviledges of this House.

The Accounts made payable by that Bill are cheifly such as have become a Debt on this Colony in Consequence of their Complyance with His Majesty's Commands signified to the late President Hamilton by the Duke of New Castle that it was Expected the Colony would provide Provisions for the Subsistance of the Forces to be raised therein And as those Accounts have been carefully Examinined by a Committee of our whole House and as it has been always a Priviledge of the General Assembly of New Jersey to Judge of what Sums of money raised from the People are proper to be paid for services done by their Order or to be allowed of by them And His Excellency in his Speech of August last tells us it is more peculiarly our Priviledge and Duty to make the necessary Supplys for the payment of the Publick Debts &c Therefore this House tho' well Disposed to Cultivate a good

Understanding with the Gentlemen of the Council Yet they are determined not to give up their Priviledges

January 1st 1747. THOS BARTOW Ck

The House continued 'till Saturday January 2d 1747.

Present.

The Honble James Alexander, Robert Hunter Morris, John Rodman, John Coxe and Richard Smith, Andrew Johnson } Esqrs

His Excellency came into the House.

Mr Morris moved that the Minute of Yesterday containing His Excellency's Claim of being present in Council in their Legislative Capacity might be Read. Which being done, He thereupon Urged that as an Acquiescence in an Affair of that Nature would not only affect the Rights of the present Council but all future Councils and was therefore of the utmost Importance, And therefore Humbly moved that a Committee might be appointed to Consider of the said Claim.

Which Motion being Seconded and the Question put.

It was Carried in the Affirmative.

Ordered that Mr Rodman, Mr Smith, Mr Chief Justice, Mr Coxe and Mr Johnson be a Committee for that Purpose and other Gentlemen of this House who shall Attend the said Committee to have Voices

Mr Coxe moved that the Message from the House of Assembly brought to this House Yesterday might be Read, which was done.

Whereupon He moved that a Committee might be Appointed to take the same into Consideration and Report their Opinion thereupon to this House.

Which Motion being Seconded and a Debate arising

The Question being put? It was Carried in the Affirmative.

Ordered that the said Message be referred to the Committee last Appointed in manner aforesaid.

Mr Coxe moved for leave to bring in a Bill to Punish the Coiners and Counterfeiters of Foreign Coin and Bills of Credit.

Ordered that Mr Coxe have leave accordingly.

Mr Coxe according to leave brought in a Bill Entituled An Act for Punishing the Coiners and Counterfeiters of Foreign Coin passing Current and the Counterfeiters of Bills of Credit of this Province and for the better discovering the Offenders, which Bill was Read the first Time and Ordered a Second Reading.

The House continued 'till Monday January 4th 1747.

Present.

The Hon James Alexander	James Hude	Esqrs
John Rodman	John Coxe	
Richard Smith	Andrew Johnson &	
Robert Hunter Morris	Peter Kemble	

The Bill Entituled an Act to Impower sundry of the Inhabitants of the Counties of Burlington and Gloucester to Build a Draw or Swinging Bridge over Coopers Creek &c was Read a second Time and Referred to the Gentlemen of the Council or any three of them.

The proofs Ordered on Thursday last relating to the above Bill were laid before the House and referred to the said Committee.

The Bill Entituled an Act to Enable the Legislature of this Province to settle the Quotas of the several Counties &c was Read a Second time and Referred to the Gentlemen of the Council or any three of them.

The Bill Entituled an Act for Punishing the Coiners and Counterfeiters of Foreign Coin passing Current and the Counterfeiters of Bills of Credit of this Province &c was Read a Second time and Committed to the Gentlemen of the Council or any three of them.

The House continued 'till Tuesday January 5th 1747.

Present.

The Hon James Alexander	James Hude	Esq[rs]
John Rodman	John Coxe	
Richard Smith	Andrew Johnson &	
Robert Hunter Morris	Peter Kemble	

M[r] Coxe laid before the House the request of divers Inhabitants of the County of Salem praying an Alteration in the Line to be the Division Line between the Counties of Salem and Cumberland. Ordered that the Matter pray'd for in the said Representation be referred to the Consideration of the Committee to which the said Bill is Referred.

A Petition of Peter Louderbouch of the County of Salem in the Province of New Jersey was read Setting forth That he was Born under the Allegiance of the Emperor of Germany a Power in Amity with His Majesty of Great Britain and Hath lately removed with His Effects into this Province where he hath made a Purchase of Lands which he believes he cannot Enjoy without the Aid of the Legislature; That he was Educated in and professes the Protestant Religion and hath taken the usual Oaths to the Government and made and Subscribed the Declaration prescribed by the Act of Assembly of this Province And therefore Prayed this House would be Pleased to Pass an Act to Enable him to hold and Enjoy Lands in like manner with His Majestys Natural born Subjects &[c]

M[r] Coxe moved for Leave to bring in a Bill for that Purpose.

Ordered that leave be Given to bring in the said Bill accordingly.

The House continued 'till Wednesday January 6[th] 1747.

Present

The Hon James Alexander	James Hude	Esq[rs]
John Rodman	John Coxe	
Richard Smith	Andrew Johnson &	
Robert Hunter Morris	Peter Kemble	

Mr Fisher and Mr Hancock from the House of Assembly brought to this House for their Concurrence a Bill Entituled An Act the better to prevent the Concealing of Stray Cattle Horses and Sheep which Bill was Read the first Time and Ordered a Second Reading.

A Message from the House of Assembly by Mr Fisher and Mr Hancock.

Janry 6th 1747. Ordered that Mr Fisher and Mr Hancock do Acquaint the Council that this House have Directed their Committee appointed to Conferr with the Committee of the Council on Ways and Means for Suppressing the Riots and present Disorders in this Colony to Meet them for that Purpose at such time and place as the Council shall appoint.

Thos Bartow Ck

Mr Johnson from the Committee to whom the Bill Entituled an Act to continue an Act for better Setling and Regulating the Militia of this Colony of New Jersey for the repelling Invasions and Suppressing Insurrections and Rebellions was Committed reported the same without Amendment to which the House agreed.

And the Question put Whether that Bill shall pass or not?

It passed in the Affirmative.

Resolved that the same do pass.

Ordered that the Speaker do Sign the Same.

Ordered that Mr Johnson do Acquaint the House of Assembly that the Bill Entituled an Act to continue an Act Entituled an Act for better setling and Regulating the Militia of this Colony &c passed this House this Day.

Mr Coxe from the Committee to whom the Bill Entituled an Act for Punishing the Coiners and counterfeiters of Foreign Coin passing Current and Counterfeiters of Bills of Credit of this Province and for the better Discovering the Offenders reported the same without Amendment which was Read in its place and Ordered a second Reading.

Mr Coxe also Reported, That as the Committee Apprehends

the last Paragraph may be supposed to Interfere with His Majesty's Prerogative they Report it as their Opinion that a Message should be sent to His Excellency requesting his Liberty to Incert the said Paragraph in the said Bill.

Ordered that Mr Morris and Mr Coxe do wait on His Excellency with the said request and the said last Paragraph to the Bill.

Mr Coxe according to leave brought in a Bill Entituled an Act for Naturalizing Peter Louderbouch, Catherine, Elizabeth and Barbara his three Daughters which Bill was read the first time and Ordered a Second Reading.

The House continued 'till 3 o'Clock P. M.

Present

The Honble James Alexander	John Coxe		
Richard Smith	Andrew Johnson		
Robert Hunter Morris	and	}	Esqrs
James Hude	Peter Kemble		

Mr Smith from the Committee to whom the Bill Entituled a Act to Impower sundry Inhabitants of the Counties of Burlington and Gloucester to build a Draw or Swinging Bridge over Coopers Creek in the County of Gloucester and for Appointing Commissioners to lay out a more direct Road from Burlington &c Reported the same without Amendment to which the House Agreed.

Ordered that the said Bill be read a third time which was done accordingly.

And the Question put Whether that Bill pass or not?

It passed in the Affirmative.

Resolved that the said Bill do pass.

Ordered that the Speaker do Sign the Same.

Ordered that Mr Smith do Acquaint the House of Assembly that the aforesaid Bill passed this House this day.

Mr Johnson Reported that he had Obeyed the Order of this House of this Morning.

The House continued 'till Thursday January 7th 1747.

Present.

The Hon^{ble} James Alexander, James Hude, John Rodman, John Coxe, Richard Smith, Andrew Johnson & Robert Hunter Morris, Peter Kemble } Esq^{rs}

His Excellency came into the House, and by the Secretary acquainted the House of Assembly that He was ready to receive the Address of that House.

The Speaker with the House attended and delivered their Address to His Excellency in the following Words.

To His Excellency Jonathan Belcher Esq^{r} Captain General and Governor in Chief in and Over His Majesty's Province of New Jersey and the Territories thereon Depending in America, Chancellor and Vice Admiral in the Same.

May it Please your Excellency.

We His Majesty's Dutiful and Loyal Subjects, the Representatives of the Colony of New Jersey, in General Assembly convened, beg your Excellency will in the first Place, be pleased to excuse our not Addressing You sooner, to return the Thanks that are due to Your Excellency for the kind and favourable Speech You was pleased to make on the 19th day of November, to His Majesty's Council and to this House This delay was chiefly occasioned from an Expectation the House had, of seeing the Papers your Excellency ordered the Secretary to lay before the Council and this House, previous to their entring upon this Address, and they being under the Consideration of the Council, the House proceeded to other Business, and in the mean time, went through the Bill for the Support of the Government, &^{c} By which, according to Your Excellency's recommendation, we have made provision for the payment of the Publick Debts, and for the Support of the Governments.

And as your Excellency was so kind at our last Meeting, to indulge us with the Recess we desired, You had the more

Reason to expect we should early and in earnest set our selves about it; And as we conceived nothing in our Power would more fully demonstrate our good Inclinations of restoring again that happy Harmony, and Honourable Confidence, which once Subsisted in this Colony, and which will be confessed by all, ought always to Subsist between the several Branches of the Legislature, than the ready Dispatch we have given to this Bill, and considering that like the Circulation of the Blood in the Natural Body, so the free Circulation of Business through the several Branches of the Legislature, is the most likely way to create a State of Health in the Body Politick, We have therefor sent it to the Council to be passed by them, and presented for Your Concurrence, that by Your assistance we may be able to do what we have before attempted in vain, that is, to pay the Officers of the Government and all others their just Dues, with as little Delay as possible, to prevent the Cry of Oppression.

This we have now done in such a Manner as We hope will be agreeable to all concerned, and shew our Intention to promote such a Unanimity amongst the several Branches of the Legislature, and the Officers of the Government, as may very much contribute to its Strength.

We have also passed several other Bills, some of them near in the same form as they have passed the Council and this House heretofore, but were then rejected by the late Governor, to our discouragement and our Countrys great Cost and Disappointment. Your happy Arrival amongst us, and the kind assurances You have given us, revive our hopes, and We have placed our Confidence in You. Your known Abilities, Compassion and Goodness, as a Tender Father, we trust, will be kindly employed in assisting us, that We may be able to get these, and such other Bills, as are really necessary for the good of the People of New Jersey, and not inconsistent with His Majesty's Commands to You, passed into Laws, for the help and relief of the Needy and Oppressed

By Your Excellency's Speech We find, that the Expedition against Canada is laid aside for the present; and by the Ex-

tract of the Duke of New-Castles Letter to Governor Shirley and Governor Knowles, that they are to procure an Account of the Expense incurred on Account of the American Troops, that it may be transmitted to the Duke of New Castle, to be laid before the Parliament for repayment, and in the meantime to recommend it to the several Governors, where these Forces were raised, to procure Credit from their respective Assemblies to prevent any Complaint that might arise amongst the Men for want of immediate Pay. Altho' We are heartily desireous of recommending our selves to His Majesty's Grace and Favour, We cannot conceive, We are in any Condition to do what our Inclinations leads Us to, on this occasion, because We have no Money in our Treasury but what is already Disposed of. We are in Debt on Account of this Expedition, for Bounty Money paid to encourage the Inlisting the Men, for subsisting them before their Embarkation for Albany, and for Victualing them for the time they were there until the time of their Discharge and other Expences thereon accruing, upwards of Nine thousand pounds, besides the Ten thousand Pounds lent the Crown which We stand engaged for till it be Provided for by Parliament, And as We are informed that by Your Excellency's Instructions You are forbid to pass any Law for Emitting of Bills of Credit, without a Clause in the said Bill suspending the Effect thereof, until His Majestys Pleasure shall be known concerning it, any attempt of Ours to do it in that Manner would not Answer the present Emergency. We have therefore no way left to raise Money to pay those Troops sooner than it may be obtained from Parliament, and Considering the large Payments made the Men by Collonel Peter Schuyler (the worthy Gentleman that Commanded them, and who approved himself a good Friend to the Expedition, by advancing, as we are informed, some Thousands of Pounds out of his own Estate to keep the Men together, and prevent their Mutinying for want of Pay) and that Many of them are since that Deserted, and others after their Dismission inlisted in the New York Companies, and as they have by the Duke of New Castles

letter, the Promise of His Majestys pay, and as that was the Condition on which they Inlisted themselves, We hope under these Considerations there will not be much uneasiness amongst them for want of the remaining part of their Pay, until it can be provided by Parliament.

Your Excellency's early Care in directing the Commissioners employed in arming and cloathing the Forces raised in this Colony, to wait on you and Adjust that Account, and forwarding it to Governor Shirley and Governor Knowles, to be by them Transmitted to the Duke of New Castle, to be laid before the Parliament for re-imbursement, claims our grateful Acknowledgement and Thanks, and as we conceive your Excellency will not hear of any of his Majesty's Colonies that more readily Exerted themselves on this Occasion, for His Majesty's Service, than we, according to our Abilities, have done, so we think, You will not hear of any, that have advanced Money, on the Credit of the Crown, for cloathing and arming their Forces, as hath been done by this Colony. This our Loyal Conduct, to the best of Kings, emboldens Us to desire Your Excellency will continue Your Care in assisting us in getting the Money, lent the Crown repaid, that it may be sunk with Reputation to the Colony, according to the Law that gave it Birth.

We have now read the papers that the Secretary, by Your Excellency's Order, laid before Us, many of them we find to contain disputes and complaints about Matter of Property, a Thing We conceive not in Our power to decide, Notwithstanding, as we perceive it is from thence that those Riots and Disorders which have been so audaciously committed in this Colony, have taken their Rise, We have, according to the Advice of Your Excellency, reconsidered our Committee appointed to Conferr with a Committee of the Council on that Affair, and as We had a special regard at the time of Our appointing them, that no person concerned in the property in Dispute, should be on that Committee, so we cannot find, on re-considering that matter, that any of them are Interest[ed] therein.

On reading the Papers from the Honourable M^r^ Palmer, President of the Province of pensilvania, referring to Pilots in Delaware River, We have ordered a Bill to be brought into the House for regulating such of them as belong to this Colony.

On reading those concerning the Discoveries made of the Counterfeiting our Jersey Bills of Credit, and Spanish Pieces of Eight, the House are humbly of Opinion, the best expedient they can fall upon at present, is to desire that Your Excellency will be pleased, immediately to direct the Attorney General, and all other Officers of this Colony to be vigilant in apprehending persons suspected of Counterfeiting the Bills of Credit, or any Gold or Silver Coin passing therein, and to put the Laws strictly and vigourously in Execution against those that shall be found Guilty. And the House will further consider, whether it may not be proper for them to do something, more effectually to prevent the Counterfeiting of Foreign Coins.

The Method your Excellency hath taken in laying these Papers before His Majesty's Council and this House, shews the Regard You have, that Justice should be Administered impartially, and when any thing further shall occur to You for the publick Good, We shall gladly receive it. And We thank your Excellency for the kind Assurances You have given Us, of accepting from Us such Things as we shall judge may contribute to the same good Ends.

Your Excellency's very kind Assurances, that You will make it Your great Care and Study, to bring this Colony into a more Flourishing State, will be welcome Tydings to the People We represent: and we shall always with great Chearfulness do Our utmost to strengthen Your Heart and Hands in so good a Purpose, And thereby render Your Administration easy and pleasant to yourself, and happy to the Colony.

Divers Members of this House being of the People called Quakers agree to the Matter and Substance of this Address, with their usual exception to the Stile.

By order of the House
ROBERT LAWRENCE Speaker.

To which His Excellency was pleased to make the following Answer.

Gentlemen

I Thank you for this kind Answer to what I laid before you in November last, and for the Dispatch You have given to many of the Publick Affairs, I then recommended to you, And as the best return I can make you, for the Confidence You are pleased to repose in Me, I will endeavour, in the Course of My Administration, to give you reason to increase it.

J. Belcher.

M[r] Smith Reported that he had Obeyed the Order of Yesterday.

The House continued 'till 3 o'Clock P. M.

Present.

The Hon James Alexander	James Hude	Esq[rs]
John Rodman	John Coxe	
Richard Smith	Andrew Johnson &	
Robert Hunter Morris	Peter Kemble	

Ordered that M[r] Smith do Acquaint the House of Assembly that this House have directed the Committee of this House appointed to Conferr with the Committee of the House of Assembly on Ways and Means for suppressing the Riots and present Disorders in this Colony to meet the Committee of the House of Assembly for that Purpose at the House of M[rs] Hunloke in this City at five o'Clock in the Afternoon on Tuesday next.

M[r] Coxe acquainted the House that M[r] Cooper and M[r] Hopkins from the House of Assembly had delivered to him a Message from the House of Assembly to this House which he had received from him this House not sitting at the Time and he delivered the same in at the Table and it is as follows.

Jan[ry] 6[th] 1747. Ordered that M[r] Cooper and M[r] Hopkins do wait on the Council and acquaint them that this House

have Committed a Bill Entituled an Act for the better Enabling the Judges and Justices of this Colony to Ascertain and Tax Bills of Cost, for making Provision by Law for the Payment of the Services of the several Officers thereof and for Preventing the said Officers from taking Exhorbitant Fees, To Mr Richard Smith, Mr Nevill and Mr Cook and have Desired Mr Speaker to Assist therein And that the House desire the Council to appoint a Committee to join the said Committee of this House to Consider of the said Bill and Agree upon such Alterations and Amendments as they shall think Necessary and make Report thereof To meet at such Time and Place as the Council shall Appoint.

Thos Bartow Ck

Which Messuage being read and a Debate arising the Question was put Whether a Committee should be Appointed agreeable to the request of the House of Assembly.

It was Carried in the Affirmative.

Whereupon Mr Morris protested in the following Words.

I Protest against Appointing a Committee of this House to join a Committee of the House of Assembly upon the Bill for Regulating Fees &c which was brought into that House and stands Committed by them to a Select Committee

For the following Reasons Vizt

1st Because the Appointing a Committee of one House to Assist a Committee of the other upon a Bill referred to them (as in the present Case) is not warranted by any practice of Parliament or any president in this Province and is therefore unparliamentary Irregular and of dangerous Example.

2dly Because the Committee of the Assembly to whom that Bill stands referred, have the sole and only right of making amendments thereto and the Committee to be appointed by this House Can act no part but that of Advisers to the Committee of the Assembly who may or may not take their Advice as they shall think fit.

3dly For that should the Committee of this House have a

right to Amend the said Bill (as has been urged) they must Derive and hold such right under the House of Assembly and not under this House, Because this House cannot Delegate a power to their Committee which they themselves have not; and it is most undeniably Certain that this House have no right or power to Amend any Bill while it is under the Consideration of the Assembly or their Committees.

4thly For as much as the Committee of this House receive their power from the House of Assembly they must of Consequence be Accountable to them for the use of the power so given and not to this House and whatever the Committee of the Council shall Do in this Affair must be reported to the Assembly, and the Doings of a Committee of the Council by that Means subjected to the Inspection Judgment and Correction of the House of Assembly, Whereas every Committee appointed by either House, ought to receive their Power from the House of which they are Members, and Cannot properly receive it from any other source, nor can they or ought they to make report or be accountable to any other Authority.

5thly For that the Appointment of a Committee of this House to be Assisters or rather Humble Advisers to a Committee of the Assembly upon a Matter properly and solely belonging to them, and thereby making them (for a Time) inferior to the Assemblys Committee is Derogatory to the Honour of this House (the Highest Body in the Province) Is degrading the Members to be appointed, Departing from the rights and priviledges of our Stations, and Tending in its Consequence to Lessen us in the Eyes of the People of the Province.

Robt H. Morris

This House having taken into Consideration the Message from the House of Assembly received this day by Mr Cooper and Mr Hopkins are of Opinion that the Appointing Committees of both Houses to Meet and form a Bill to be Brought into either House has been Customary, but remember no Precedent of either House to Assist on the Commitment of a Bill

in the other tho' such things may have been and forsee no ill Consequence at present in so doing Wherefore it is Ordered that M^r Smith do Acquaint the House of Assembly that this House has Appointed M^r Coxe assisted by M^r Speaker to be a Committee to meet the Committee of the House of Assembly on the Bill Entituled an Act for the better Enabling the Judges and Justices of this Colony to Ascertain and Tax Bills of Costs &^c and that the Committees do Meet for that purpose at the House of the Widow Hunloke at five o'Clock to-Morrow Afternoon Declaring nevertheless that should there be no precedent of this or any future Inconvenience arise from the Appointing of such a Committee of this House that this shall not be Drawn into a precedent.

The House continued 'till Friday January 8^th 1747.

Present.

The Hon James Alexander	James Hude	Esq^rs
John Rodman	John Coxe	
Richard Smith	Andrew Johnson &	
Robert Hunter Morris	Peter Kemble	

M^r Smith reported that he had Obeyed the Order of Yesterday.

M^r Hude from the Committee to whom the Bill Entituled an Act for Erecting the Southern parts of the County of Salem in New Jersey into a Separate County &^c was referred, Reported the same with one Amendment which he read in his place and delivered the same in at the Table.

Ordered that the said Amendment be Read a second Time.

The Amendment being read a Second time was Agreed to by the House and Ordered to be Engrossed.

The Bill with the Engrossed Amendment being Read a third Time and the Question put?

Resolved that the said Bill as Amended Do pass.

Ordered that the Speaker do Sign the Same

Ordered that M^r Hude do Carry the said Bill with the Amendment to the House of Assembly and Desire their Concurrence to the said Amendment.

The House continued 'till 3 o'clock P. M.

Present

The Hon James Alexander	James Hude	} Esq^{rs}
John Rodman	John Coxe	
Richard Smith	Andrew Johnson &	
Robert Hunter Morris	Peter Kemble	

The Bill Entituled an Act the Better to Prevent the Concealing of Stray Cattle Horses and Sheep was read a Second Time and Committed to the Gentlemen of the Council or any three of them.

M^{r} Low and M^{r} Fisher from the House of Assembly brought the Bill Entituled an Act to repeal an Act Entituled an Act to Encourage the direct Importation of Rum from the British Plantation in the West Indies and of such Wines as may lawfully be imported from the Places of their Growth, Product and Manufacture into the Eastern Division of New Jersey. And also The Bill Entituled an Act to repeal part of an Act Entituled an Act for preserving of Timber in the Eastern Division of the Colony of New Jersey and all sorts of trees in the Bounds of the Patent or Charter of the Township of Bergen.

The House continued 'till Saturday January the 9th 1747.

Present.

The Hon James Alexander	James Hude	} Esq^{rs}
John Rodman	John Coxe	
Richard Smith	Andrew Johnson &	
Robert Hunter Morris	Peter Kemble	

M^{r} Hude Reported that He had delivered the Bill and Messuage wherewith he was Charged Yesterday to the Speaker the House not Sitting.

The Bill Entituled an Act to repeal an Act Entituled an Act to Encourage the Direct Importation of Rum &^{c} from the Places of their Growth Product and Manufacture into the Eastern Division of New Jersey, And also The Bill Entituled

an Act to repeal part of an Act Entituled an Act for Preserving of Timber in the Eastern Division of the Colony of New Jersey &c were Read the first Time and Ordered a Second Reading.

Chief Justice Morris from the committee appointed on the fourth of December last to consider of Ways and Means for Suppressing the Riots and present Disturbances Reported that they had from the Minutes of Council and Assembly and Papers referred to them prepared a brief State of Facts concerning the Riots and Insurrections in New Jersey and the remedies attempted by the Goverment and the several Branches of the Legislature to put an End to them and to restore the Peace of the Province which with the Vouchers therein referred to He laid before this House; And the Same having been Read Paragraph by Paragraph with the several Vouchers to each Paragraph and sundry Amendments made to the said State it was approved of as Amended.

Ordered that it be fair Coppied.

The House continued 'till Monday January 11th 1747.

Present.

The Honourable James Alexander, John Rodman, Richard Smith, James Hude and Peter Kemble } Esqrs

The Bill Entituled an Act to repeal an Act Entituled an Act to Encourage the Direct Importation of Rum &c Also The Bill Entituled an Act for Preserving of Timber in the Eastern Division of the Colony of New Jersey were read a Second time and Committed to the Gentlemen of the Council or any three of them.

The Bill Entituled an Act for Naturalizing Peter Londerbouch, Catharine [Elizabeth] and Barbara his three Daughters was read a Second Time and Committed as above.

The House having Considered the State of Facts agreed to on Saturday last have formed a Set of Instructions to the Committee of this House who are to Meet a Committee of

the House of Assembly concerning the Riots, which Instructions are now agreed to by this House.

Ordered that the said State of Facts and Instructions be Entered in the Minutes of this House and they are in the following Words.

Explanation of the References in the Margin as Vouchers for whats Stated.
M. C. Minutes of Council
M. A. Minutes of Assembly.
C. No. Are Papers Numbered by the Council in that manner and Lists Entered in their Minutes.
A. No. Are Papers Numbered by the Assembly and Coppy of the List Entered in the Minutes of Council.

A Brief State of Facts[1] Concerning the Riots and Insurrections in New Jersey and the Remedies attempted by the Government and the several Branches of the Legislature, to put an End to them, and to Restore the Peace of the Province.

M. C. M. A. In the years 1744 and 1745 a Difference unhappily Subsisted between the Branches of the Legislature of this Province: it No way concerns this Matter who was Right, or who Wrong in the Points in Difference, but the Consequence thereof in Fact was, that the Government remained Unsupported and Divided, and thereby was much weak'ned.

In the Year 1745 a most wicked and Unnatural Rebellion broke out in Great Britain by the Adherents of a popish pretender to his Majestys Crown while the Nation was at the same Time Engaged in War with two potent Nations (France and Spain) Which rendered it Improbable that any Force could be spared from Great Britain to Quell any Rebellion in America.

By the Affidavits and Papers herein referred to, it will appear that a Number of Evil minded Men (Taking advan-

[1] This Brief State of Facts is printed (without the marginal references, however,) in the N. J. Archives, VII., 207–226, with the following note appended: "The within State of Facts is not drawn up now for any particular purpose, but was drawn up, & afterwards approved, by his Majtys Council, in New Jersey (the former part of it in Janry 1747, & the latter part of it in Decr 1748) from Original Papers w'ch had been layed before the Council & Assembly there, And Comtees of Council were appointed, and the within State of Facts was ordered to be layed, by such Comtees of Council, before the Assembly, at free Conferences, w'ch were demanded, in order to have induced the Assembly to come into measures to strengthen the hands of the Government of New Jersey. Reced from Mr. Paris."

tage of that Divided and Weak State of the Government of this province and of that Time of warr and Rebellion in Great Britain) Entered into a Combination and Agreement to Obstruct the Course of Legal proceedings, And to protect themselves from His Majesty's known Officers, and from the Process of the Law in Every Case, (Let their Crimes be ever so high) And in Execution of this Scheme it disappears,[1]

That on the Nineteenth of September 1745 One
C. N° 50 hundred and Fifty Men (Armed with Clubs, Axes, and Crow barrs) Came in a Riotous and Tumul-
N[2] A tuous Manner to the Goal of the County of Essex, and having broke it open, took from thence one Samuel Baldwin Committed on an Action of Trespass, wherein he had refused to give Bail, or Enter an Appearance.

That these Riotous People then Boasted of the great Numbers they could Bring together on any Occasion; and gave out many threat'ning Expressions against the
N.[2] A. B Persons that should Endeavour to punish them for this their Crime; Saying, if any of them were taken, they would come to his Relief with twice the Number they then had, and bring with them an hundred Indians.

Two Justices of Essex with the Under Sherriff (according to their Duty) made a Record on their View against twenty Seven of the Rioters known to them, (and many other
B. Evil doers and Disturbers of the Kings Peace to them unknown) which was Returned into the Supream Court, and process Issued from thence against the Delinquents.

This Matter being laid before the late Governor, he was so justly Apprehensive of the Dangerous Consequences of so open and Notorious a Contempt of His Majesty's Authority and the Laws of the Land, that he thought the Aid of the Legislature Necessary to prevent them, and therefore Recommended in the Strongest Terms to the then Assembly, the Granting such Aid, by his Speech to them on the twenty eighth of September 1745, But so it hap'ned that the then Governor and Assembly differed in Opinion as to that Matter, as by the said Speech; the Assembly's Answer to it on the

[1] Appears. [2] M

the third of October, and the Governor's Reply on the Eighteenth Appears.

And the Late Governor was also Pleased on the Eighteenth of October 1745, by the advice of His Majesty's Council, to Issue his Orders to His Majesty's Attorney General to proceed with all Convenient Speed to Prosecute by Information or other Lawful Methods the Persons concerned in the said Riot—And the Governor at the Same time by the Advice of his Majesty's Council Issued his Warrant Directed to the Sherriff of the County of Essex, Commanding him to make Diligent Search for and to Apprehend the said Rioters And thereby further Commanding all Officers and other His Majesty's Liege Subjects to be aiding and assisting to the said Sherriff in the Execution of the said Warrant.

2. On the 15th of January 1745, the Sherriff of Essex by vertue of the Governors said Warrant, and in Obedience to the process of the Supream Court, Issued upon the said Record, Arrested and took Robert Young, Thomas Serjeant, and Nehemiah Baldwin, three of the persons that stood convicted by the Record of View before mentioned.—On the
D & E Sixteenth of January as he was Carrying the said Baldwin before one of the Justices of the Supreme Court agreeable to the Commands of the Governor's Warrant, he, and the people whom he had called to his Assistance were assaulted by a great Number of Men Armed with Clubs and other Weapons, who in a Most Violent Manner Rescued and Carryed Away the prisoner Notwithstanding all the Sherriff and his Officers could Do to prevent it. The Sherriff then Returned to the Goal in order to secure the other two Prisoners, and being Collonel of the Militia he had posted a guard of thirty men at the goal armed with fire Locks for that purpose.

It Appears that at 2 o'clock in the Afternoon Great Numbers of People came together in a Riotous and Tumultuous manner in the Town of Newark; That they paid no
D & E Regard to the Commands of the Magistrates to Disperse, or to the proclamation made to them in the

Kings Name (according to the Statute of the first of George) but Continued together.

It appears that Collonel Chetwood[1] sent two Captains (who had the Command of the Newark Company's) with
D & E their Drums to the People so Assembled, who accordingly went and Required those Men that belonged to their Company's to follow the Drums, but none regarded those Commands.

It appears that one Amos Roberts (a principal Leading Man among these Common Disturbers) at that time
D & E Mounted his Horse, and Called out, *Those who are upon my List follow me*, Which all or the Greatest part accordingly did, being then about three hundred in Number,

It appears that the said Roberts and his Accomplices met and armed as before Came to the Goal in a Violent Manner and having beat and broke through the Guard and
D & E *Struck the Sherriff several Blows* they broke open the Goal Doors, and took from thence the two Prisoners above mentioned, and one other Confined for Debt, and then they Gave out, that if they had Stayed 'till the next Day, they should have had three times the Number.

Upon this Second Riot the Sheriff and the Justices then present made a Record thereof on their own View
C. N° 32 against the said Amos Roberts and fifty Seven
& 50 others by Name, Inhabitants of the Counties of Essex and Morris, and others to them Unknown to the Number of three hundred at the Least.

On the 4th of March 1745, the late Governor in his Speech to the then Assembly Informs the Legislature of
M. C. & the Last mentioned Insurrection, and at the same
M. A. time tells them he had done what was Judged sufficient to put a Stop to so Growing an Evil, but that it was without the Effect intended; and therefore Recommended that Matter to their Most Serious Consideration

[1] Col. William Chetwood, Sheriff of Essex county.

A Militia Bill was prepared and passed by the Assembly and sent up to the Council for their Concurrence who also passed it on the 15th of April 1746 and which was Soon afterwards assented to and Enacted by the then Governor But the Council on Considering that Bill, Conceived that further Remedies were Necessary to Restor the Peace of this Province and to prevent the like Mischiefs for the Future; And therefore, A Bill was Brought into the Council, Nearly in the Words of the Statute of Great Britain of the first of George against Riots, Expressing the Difference of the Occasion thereof, and instead of being perpetual as in Great Britain proposed it only to be in Force for five Years; which Bill was Passed by the Council, and on the twenty fourth of April 1746, sent down to the Assembly for their Concurrence.

M C & M A

M C & M A

The Gentlemen of the Council considering that most of the Persons concern'd in the said Riots were an Ignorant People, and Greatly Imposed on by a few wicked and Designing Men, Conceiving that a General Pardon for the said Crimes pass'd together with the said Riot Act, would be the Easiest and most effectual Method, to Restore and Secure the Peace of the Province, And knowing that Mercy to Criminals ought to flow from the Crown; Some of them therefore Interceeded with the then Governor to Grant a General Pardon: which he seemed Inclinable to do without any other Condition than that those who should be Entituled to the Benefit thereof, Should take the Oaths to His Majesty Appointed by the Laws of New Jersey, and Give their own Single Bonds to be of the Good Behaviour; and accordingly the Form of such an Act of General pardon was drawn, and that draught approved of by him; and the Council had reason to believe he would have Granted the Same upon the Assembly's passing a Bill to the Purpose of the said Riot Act, and Requesting him to extend His Majestys Mercy to the Criminals, which Draught was also Communicated to Some of the Members of

the Assembly; and they were Acquainted with the then Governor's said Intention on that head.

New York Post Boy of May 26th 1746 at End of Mr Nevill's speech there[1]

On the 26th of April 1746 Mr Nevill (one of the Gent. of the Assembly to whom the said Draught and Intentions of the then Governor had been Communicated) Moved the House of Assembly that they would be Pleased to Apply to the then Governor, Either by a Short Address, or Message as they should think proper, to Extend His Majesty's Mercy by a General pardon.

M. A.

On the first of May 1746, the house of Assembly upon the Second reading of the said Bill for preventing Tumults and Riotuous Assemblies, Ordered to [it] to Lye on the Table, to be Reconsidered at the next Session, and Ordered it to be printed in their Minutes which was done Accordingly.

A. N° 3 & 21.

By affidavits taken May 3d & 8th 1746, It appears that the Infection of the Riots was Spreading into West New Jersey, for that the People Settled on that hundred thousand Acre Tract in the County of Hunterdon (belonging to those Proprietors in and about London Called the West New Jersey Society) within a Fortnight then last had two Great Meetings, in order to Agree to Stand by one another in Defence of their Possessions against the said Proprietors (tho' by the Paper C N° 8 it Appears that those People do Own the Society's Title to that Tract, and that they themselves had no pretence of right to the Same.) That they had Agreed to a Paper for that purpose and about Seventy had signed it at their Meeting on the 26th day of April. That one Article was, that if any person Seated on the said Tract, Should refuse to Sign that Paper, he should, be dispossessed by the Rest: and his Improvement sold by them to the highest Bidder, That sundry People from New Ark and Elizabeth Town, were Reported to be present at the last of these Meetings. That about Ten or a Dozen of them were

[1] Published in the Appendix to the Elizabethtown Bill in Chancery.

observed to be riding Continually backwards and forwards to and from Newark Elizabeth Town and Cohansey, where the said Society have other Lands and it was believed in order to Unite all in one Combination.

The late Governor Lewis Morris Esq^{r} having Departed this Life on the 21st of May 1746, the Government
M. C Devolved upon John Hamilton Esq^{r} who Ap-
M. A. 22 pointed a Meeting of the Assembly, and on the 20th of June 1746 by advice of his Majesty's Council he made a Speech to them, Setting forth in Strong Terms the Dangerous Consequence of the proceedings of the Rioters and the Necessity of the Aid of the Legislature in that Matter.

By this Deposition it Appears that on the fifth of August 1746 Sundry persons in the County of Bergen to the
A 23. Number of Twelve, Went Armed with Clubbs to the
6 House of one Edward Jeffers in said County, who was Seated there by Lease from the Proprietors of the Eastern Division of New Jersey on two hundred Acres of Land, which he had built and Improved upon, Which persons So armed threat'ned to Club him out of possession, unless he Came to some Agreement with M^{r} Valleau (one of the Twelve) who pretended Title to the said Land, and the said Jeffers being Apprehensive that they would Execute their Threats against him and turn him and his Family out of Doors, Consented to take a Lease from the said M^{rs} Valleau for one hundred Acres of the said Land, Containing his House and one half of his Improvements, and without the Consent of the said Edward (otherwise than by the Threats aforesaid) She Gave a Lease of the other hundred Acres) Containing the other half of his Improvements,) to one John Hollins, (another of the Twelve)

This Deposition Informs that in the Month of September 1746 a Number of People said to be of those Called
A. S. the Newark Rioters had in a forcible Manner turned out of possession Several People that were Settled on a Tract of Land in Essex County Called John Burnett's

2000 Acre tract, and put other People in Possession of the places they were Settled on, and that Sundry of the People Guilty of those Riots were Indicted by the Grand Jury of the County of Essex at the Court which began there on the fourth Tuesday of September 1746.

On the Ninth of October 1746, President Hamilton Called the Assembly together at Perth Amboy, and the next Day sent a Message to them wherein among other things, he referrs them to his said Speech of the 28th day of June by which the Consideration of the State of the Province in Relation to the Riots was Strongly Recommended.

M. A. N° 4, 25 & 27

On the Second day of December 1746 a Multitude of People about one Hundred in Number in a Violent and Riotous Manner, broke open the Goal of the County of Somersett and Rescued from thence one Abraham Anderson who then there Remained in Custody by Virtue of a Writt which was Issued out of the Supreme Court of this Province at the Suit of the Executors of Daniel Coxe Esqr Deceased. Most of those Rioters were Unknown in Somersett County, So that only five of them were Indicted for that Crime in April Sessions following by the Grand Jury of the County of Somerset about thirty of the said Rioters had come from Essex County back of New ark Some of whom on their Return being ask'd the Reason why they Proceeded in that Manner in breaking open Goals &c Answered that they did not Go headlong, but they had Advisers in what they Did.

A N° 19. 6, 5, 7 & 18

C. N° 50

C N° 32

A N° 5

The said Rioters from Essex behind New ark formed a Design of Coming to Perth Amboy to pull down the house of Samuel Nevill Esqr one of the Judges of the Court of Common Pleas for the County of Middlesex, and one of the Representatives of the Assembly) if the said Samuel Nevill should refuse to deliver up to Thomas Clauson certain Bonds wherein the said Clauson stood

A N° 29.

bound to the said Nevill for the Payment of Considerable Sums of Money; Which Design some of them were for putting in Execution Immediately But others thought proper to Deferr it 'till the said Bonds were first Demanded of M^r^ Nevill, and if M^r^ Nevill refused to deliver up the Bonds, that their Design Should then be put in Execution; And Accordingly on the fifth day of December the said Clauson did Come to the said M^r^ Nevill and Demanded of him the Bonds aforesaid, Saying, he would have them, if he died for it.

On the 8^th^ of December 1746 the President Called together His Majesty's Council, and Laid before them the M. p. C. Depositions Concerning the Designs against M^r^ Nevill; who thereupon Advised his Honour to Issue his Warrant to the Sherriff of Middlesex to Apprehend the said Clauson or any persons that Should Assemble themselves to Execute their Threats against M^r^ Nevill, and if Needful to Raise the Posse of the County, and to Arm and Array them In a War like Manner, which Warrant was Accordingly Issued.

The President was Pleased at the Same time by advice of Council to Issue a Proclamation in His Majesty's M. p. C. Name, Forbidding all Persons to Join with the said Rioters or to Aid, Assist, Council, or Receive them, or any in Combination with them, and Commanding the Sherriffs of the several Counties within the Province, that in Case any Number of them should Unlawfully assemble themselves in any of the Counties to the Disturbance of the Kings Peace, that they should Raise the Posse of their respective Counties to Suppress such Unlawful Assemblies.

On the thirtieth day of March 1747 Between the hours of Ten and Eleven at Night a Multitude of people A N^o^ 9, 10. to the Number of about thirty Came in a Riotous manner with Clubs to the house of Joseph Dalrymple in Morris County, and after Demanding the Opening of the Door and Using Several threats they with Force broke open the said Door, and about twelve of them Entered

therein and Ordered the said Dalrymple & Wife and a Child about one Year Old to go out of the House; and upon their Refusal to Obey, they, the Rioters threat'ned to Turn them out by Force, and began so to do, But the Wife of the said Dalrymple being then big with Child and Near Lying in, and they being persuaded of the Danger of her Life if they should do So, they then Desisted from that their Design. The Wife of the said Dalrymple being in said Condition after the Terror and Fright She Got by the forcible Entry and threats aforesaid was So very Ailing and Indisposed as Scarce not to be Able to keep out of Bed.

A N° 10, 11.

By these Depositions it Appears, that on the 8th day of April 1747 a Multitude of people about thirty in Number Came armed with Clubs to the House of the said Joseph Dalrymple and Broke it open and turned the said Joseph, his Wife and Child out of the House, and all their Goods, and Delivered possession of the said House and Land to two of the said Rioters.[1]

A N° 11, 12.

By these Appear Designs formed by the same Rioters for turning many other People out of possession by Force; it appears that they had Erected Courts of Judicature, and Determined Causes by hearing one Side; but intended for the future to hear both Sides; but Intended for the future to hear both Sides that they had taken upon them to Chuse their Militia Officers. By these Appears how they buoy themselves up with their Numbers, friends and Strength, Not only in New Jersey but in New York, Long Is-land, Pensilvania, and new England; and that they were not Afraid of any thing the Government Can do to them, and give out that from their Numbers, Violences and unlawful Actions, it's to be inferred, that Surely they are wronged or oppressed or Else they would never Rebell against the Laws. By these Appears Information that the People on the Society's tract had made a firm Agree-

[1] The ousting of Dalrymple is very fully described in the affidavit of Solomon Bayle, of Morris county, printed in N. Y. Col. Docs., VI., 346.

ment to Defend all their Farms there by Mobb; and that Maidenhead, and Great Numbers of others had joined in firm Engagements to Stand by one another to Death tho' they have No pretence to any Right, but "Possession and Improvement," And that they were Resolved Should they be Opposed by Fire arms, to take up Fire arms to Defend themselves; That they would not Mind Either the Governor or the King himself, And that the King himself was Unable to Quell Mobs in England any other way than by Granting their Desires.

By the Order of President Hamilton the Assembly met at Perth Amboy on May 6th 1747 when by a Message (by advice of Council) he in Very Strong terms Recommended to them the Consideration of the Distracted State of the Province Occasioned by the many Riots, and Laid before them the Several Letters and Papers Concerning them; to which the Assembly Answered on May 9th as by their Minutes Appears.

M. C.
M A

By these Appears that John Bainbridge One of the persons Indicted for the Breaking Open of the Goal of Somerset, was by process Issued out of the Supreme Court taken and Imprisoned in the Goal of the City of Perth Amboy, and that on the 17th of July 1747, a Multitude of People to the Number of About 200 Came to the Goal in a Riotous Manner, Armed with Clubs in Order to Break open the Prison and Rescue the said John Bainbridge; That the Mayor, the Sherriff and other Magistrates Endeavoured to Disswade them; that the Sherriff read the proclamation against Riots directed by the Act of 1st George 1st upon which one of the Rioters knocked him down, and Gave him a Wound on the head of three Inches Long. Another of them Struck at the Mayor of the City and then broke Open the Doors of the Prison and took out the prisoner and Went off Huzzaing; That the Magistrates and Sheriff present Made a Record of the said Riot. By these it also Appears, that the Rioters Gave out that if they had

A N° 13, 14, 15, 16, 17, 24, 25, 26, 27, C N° 5

been Shott at, they would have Sent to a party they had Left out of town and Gott Arms, Ammunition and provisions and Levelled Amboy with the Ground, and Destroyed the Authority and drove them into the Sea

By these it Appears that at the Supreme Court which Sat at Perth Amboy Soon after the said Riot the
C N° 50, 32. Grand [Jury] Indicted upwards of thirty of these Rioters for high Treason for Levying war against the King within the Statute of 25th Ed^d 3^d 1, 2, Agreeable to Lord Cooks[1] Exposition 3^d Inst: 11, And the Case of Dammary in the Latter End of Queen Anne's Reign for Riotously pulling down Doctor Burgesses Meeting-house.

About the Latter End of July 1747, One John Fenix being in Custody in the Goal of Somersett on an Action
C N° 50 of Trespass at the Suit of Andrew Johnston Esq^r about 40 or 50 Men appeared about the Goal Armed with Clubs &^c who broke open the Prison Doors and Carried off the said John Fenix, but no person knowing any of those Rioters, no prosecution has been against them.

On the tenth of August 1747 the Sherriff of Morris County by Virtue of a Writt of our Lord the King took
C N° 30 and Arrested one James Hampton, who Refused to Give Bail and upon the Sherriffs conveying him to the Goal he was besett by a Number of Men (part whereof are Named) Armed with Clubs who rescued the said Prisoner out of the Custody of the said Sherriff

His Excellency our Governor having Arrived in this Province in the Beginning of August 1747 By His Order
M. A. the Assembly Mett at Burlington on the 20th of August, Who by his Speech to the Council and Assembly Strongly Recommended to them the State of this Province in Relation to the Riots, To which the Council and Assembly severally Answered as by their Minutes.

On the 23^d of September 1747 one James Hampton being in Custody in the Goal of the County of Morris
C. N° 31. by process on an Indictment of that County Court,

[1] Sir Edward Coke.

About thirty Men Armed with Clubs broke Open the said Goal and Rescued from thence the said James Hampton.

We have been Credibly Informed that two Riots have been Committed in the County of Essex Since his Excellency's Arrival; in the first of which the Goal of that County was broke Open and a prisoner therein was Rescued by the Rioters. At the Second Riot that a Private House was broke Open and a Quantity of Staves was taken by the Riot[er]s from thence; but we find no Depositions Concerning those two Riots in the Papers Communicated.

On the 18th of November the General Assembly Mett and his Excellency made a Speech to the Council and
M C & A. Assembly Strongly Recommending the State of this Province concerning the Riots to their Consideration.

On the fourth day of December 1747 One David Brearly who Stood Indicted for High Treason being taken upon process thereon out of the Supreme Court, and in
C N° 50 Custody in the Goal of the County of Hunterdon
51, 52, 53 in the Borrough of Trenton, about Twenty Men
54, 55, 56 Came Armed with Clubs &c to Rescue the said
57, Prisoner from thence, and tho' the High Sherriff Represented to them that the Prisoner was in his Custody for high Treason, and that the Rescuing of him would undoubtedly be high Treason, Yet they proceeded and did break Open the said Goal and Rescued the said Prisoner. Amongst those Rioters was one Edmund Bainbridge against whom the said Sherriff had also process of High Treason whereon he Arrested him, And Acquainted the Rioters with the said process, and told them it would be High Treason in them to Rescue him but Notwithstanding that, they also Rescued him.

By these it Appears that the Rioters had formed a Design of Coming to Burlington (Where the several
C. N° 50 Branches of the Legislature are Sitting) in a
51, 52, 53 Body on the 16th day of December; and that
54, 55, 56 Advertizements to give Notice of that Design to

the Rioters had been Set up in Sundry places requiring their Attendance for that Purpose.

The Council and Assembly on Notice of that Design in a free Conference Agreed to make Resolves of M C & A their Several Houses against it, and to send them to the Sherriffs of the several Counties (from and through which the Rioters were likely to Come) to publish, which was accordingly done, and we have been Credibly Informed that many of the Rioters were on their Way Coming, but on Notice of said Resolves Returned

Instructions by the Council of New Jersey to the Committee of that House Appointed to Meet a Committee of the House of Representatives in a free Conference of Ways and Means for Suppressing the Riots and present Disorders of this Colony.

1st It would Seem that the Committee of the Council should open the Conference, because By their Station they are Concerned in the Executive, as well as Legislative parts of the Government, and have personally Examined many of the Witnesses in the Matter referred to the Committees, and therefore may be presumed best to know the State of that matter. But however if the Committee of the Assembly Can shew better Reason for their Opening the Conference, then to Agree that they shall, and Should Even their Reasons be Weak, Yet to Yield in a point which Can be of no great Moment, Seeing after they have said as they think proper, the Committee of the Council may then proceed as they think Proper.

2dly If the opening of the Conference be allowed to the Committee of the Council, or after the Committee of the Assembly have done, Then to proceed in this Method.

That it's the Opinion of the Council, (in Order to Enable the Committees to Judge of and advise in the Matter referred) That it's Necessary to have a Clear Sight of the Distemper of this Province, and of the Remedies that have been Attempted towards the Cure of it, That for this purpose the

Council have drawn up a State of Facts in order to form that Clear Sight, Which offer to be read first Intirely; and afterwards Paragraph by Paragraph with the Vouchers referred to on the Margin, and Deliver a Coppy thereof to the Committee of the Assembly.

3dly When the State of Facts is made Good by the Vouchers to the Satisfaction of the Committee of the Assembly, You may Assure them that the Council will be ready to Assent to any Measures just and Rational and Consistent with His Majesty's Authority, and the Laws of England and this Province for putting an End to the Riots and for Restoring the Peace of the Province Whether those which were Attempted by the Council in April 1746, or any others to be proposed by the Committee of the Assembly; That the further Remedies Conceived to be in the Power of the Legislature, here Seem to be to provide proper Acts to Re-establish his Majesty's Authority, and Give force to the Laws: And to that End You are to propose, that Some provision may be made Effectually to Strengthen the hands of his Majesty's Government within this Province, So that they may be Enabled to Carry the good and wholesome Laws of the Land into Execution; That his Majesty's Faithful Subjects may Again Enjoy the benefit and protection of them, and Such other Acts or Laws as may be Judged most proper to prevent the Like Intestine troubles for for the time to Come.

4thly You may as Occasion offers, and You think Proper, Make Some Observations on the Danger that may Attend the Province if those Disturbances are suffered to Continue any Longer with Impunity, Not only from the Rioters, but from His Majesty and a Brittish Parliament Upon the Ungrateful Return We shall make to His Majesty for his Care and protection of us, by Flying in the face of his Officers, and publickly and openly Contemning his Lawful Commands and Authority, You May Observe what a heavy punishment was like to have been Inflicted by the Brittish Parliament on the City of Edinburgh for one Single Riot Committed in

that City in the Case of Porteaus,[1] by persons unknown. You may Observe how that Ireland does now Support about twenty thousand Armed Men to keep them to their Duty, And should those Riotings Continue, Can we Expect that this Province will not be Saddled with such a Number of Soldiers as may be thought Sufficient to put the Laws in Execution— Possibly the Necessity of the present heavy War with France and Spain may Render it improper to Send any Force hither at this Time (Which the Rioters have Buoyed themselves up with) Yet we hope Peace will at last Come, and that the Conduct of this Province may render it unnecessary to Send any Force then; but Should it be otherwise, we have Great reason to believe that not only a Great Force will then be Sent (as was done in the Case of Bacon's Rebellion in Virginia) but we have Great Reason to fear and Dread that this Province will be made a Standing Monument of the Resentment of His Majesty and the Brittish Parliament, That the other Colonys may Learn thereby to beware of being Guilty of the Like undutifulness. And should this happen, which God Forbid, the hardship will be still the Greater, for that the punishment will fall mostly upon the Innocent part of the Province, the people of property and Estates, who must pay

[1] The case of Captain Porteous, of the town guard in 1736, who had been found guilty of ordering his men to fire upon a mob, that had assailed them while escorting a criminal to the gallows. Although the Queen, in the absence of the King, had granted him a reprieve, he was seized by the populace and executed. Two smugglers—who had violated revenue laws recently extended from England to Scotland, and who attracted the sympathy rather than the reprehension of the populace—were tried, convicted, and condemned to death. On a Sabbath while at church, between two guard soldiers, one of them suddenly started up, and sprung upon the soldier at his side. The other, whose name was Wilson, now seized both the soldiers, and held them fast till his companion escaped; and he, in consequence, won praise from the general population of the city. On the 14th of April, when Wilson was led out to execution in the Grassmarket, the mob pelted the executioner and the city guard. John Porteous, the captain of the guard, enraged at the attack, ordered his men to fire. The guard, in the first instance, fired over the heads of the mob; but, enjoined by their angry captain, fired next among them, killing six persons, and dangerously wounding eleven. Porteous was tried for murder and condemned; but was reprieved by the Queen as above stated. Not a man was ever punished for this mob violence, and although the House of Lords passed a bill inflicting heavy penalties on Edinburgh, the bill as it finally became law merely required Edinburgh to pay the widow of Porteous a pension of £200. The incident is described by Scott in "The Heart of Midlothian."

the Taxes to Support those forces; and the Guilty will Escape the punishment, by having Little or no Estates to be Taxed

5thly As Occasion Offers you may Observe that were We to believe the Vaunts of the Rioters of their Great Numbers and Friends in this and other Provinces Appearing in the State,[1] And the Vouchers from Whence its Collected, And their Numerous threats, The Distemper of this Province would really be dreadful, and almost beyond any Cure that's in the power of this Legislature to Apply. But we have Reason to Believe that these are mere Vaunts given out in Order to Draw and frighten unwarry and Innocent people into their Combinations and to Subscribe to them; That the Case is So, may be Inferred from this, that during most of the time from his Excellency's Arrival in the Beginning of August to the Meeting of the Legislature on the Eighteenth of November Last, the Rioters were Using their Utmost arts and Industry to Draw people into Signing their Petitions to the Governor, Now before the Legislature, And the whole Names to them do Appear not to amount to Hundred of which We See the petition of the Precinct of Saddle River[2] C. N° and all the Names to it are of one persons hand Writing. The Petition C N° Multitudes of the Names Annexed to it are of one persons hand writing. We are Credibly Informed that Multitudes of persons whose Names are to it, are Infants, Vagrants and persons of no property. We have reason also to believe that Multitudes of Persons whose Names are to it, are Innocent well meaning People who had no Intention thereby of approving of the Riotous proceedings, and Indeed these Petitions are so formed as no way to Approve thereof, and to be Almost Unintelligible and without any apparent Meaning or end, other than to Shew their Interest to Gett so many hands to an Unintelligible paper of their Drawing, whose Meaning the Solicitors for Signing Might Explain as they

[1] Statement.

[2] In Bergen county, extending in 1747 to the vicinity of Horseneck, where there was much dispute about land titles, and also including the Ramapo patent, and the Ashfield patent at Preakness.

thought Most proper to Induce the Sundry persons applied to, to Sign. And further we have been Credibly Informed that Scarcely one fourth part of the Names affixed to the said Petition N° were Signed to it but to Petitions of Different Tenors, and Taken from them, and affixed to this; of all these Matters which do not Appear upon the face of that Petition and Names Affixed we Doubt not full proof may be had by Sending for such persons as we have [been] informed Can prove them on Examination before the Joint Committees, —when these Subtractions are made, what a small Number will Appear to Remain of Real Rioters in Respect to 70,000 People which it's Esteemed this Province has—and when it's Considered that Now for two years past they have been openly and barefacedly using all arts and threats to Induce people to enter into and Sign their Combinations, its a wonder that they have Not in that time, Grown to a Much Greater bulk than they are Tho' by this it will Appear that the Distemper of this province is not So Desperate as would Seem by the Rioters Vaunts and threats, Yet we are far from thinking it to be so inconsiderable as not to Deserve the Utmost Care of the Legislature to apply proper and Speedy Remedies, for as all other Infections if proper Care and Remedies be Wanting, will of Course Spread and Increase So will this Distemper of this Province, for even a Small Number of lawless Men acting at their Sole Will and Pleasure may Soon Subject the whole People of this Province to them who hope for their protection from the Laws and Government but are Deprived of it by those Daring men, and their hitherto uninterrupted Successes in their Daring and Criminal Measures, May Soon Induce them to Set up a Government of their own over this province as they have already done over a part of it, And their Successes already in turning people out of possession; with the Keeping of Multitudes in Continual fears of being Served in the Same Manner, Must in time weary out the people threat'ned to Submitt to their Arbitrary Will and Pleasure, which they are not Ashamed to own they Govern by.

The House continued 'till Tuesday January 12th 1747.

Present

The Hon^ble James Alexander, James Hude, John Rodman, John Coxe, Richard Smith, Andrew Johnston, Robert Hunter Morris & Peter Kemble } Esq^rs

The House continued 'till Wednesday January 13th 1747.

Present

The Hon James Alexander, James Hude, John Rodman, John Coxe, Richard Smith, Peter Kemble, Robert Hunter Morris & Thomas Leonard } Esq^rs

M^r Hancock and M^r. Leaming brought from the House of Assembly the Bill Entitled an Act for Erecting the Southern parts of the County of Salem into a Separate County &^c And Acquainted the House that the House of Assembly have agreed to the Amendment of this House to that Bill

M^r Kemble from the Committee to whom the Bill Entituled An Act for Naturalizing Peter Louderbouch, Catharine, Elizabeth and Barbara his three Daughters was referred, Reported the Same without Amendment

Ordered that the said Bill be Engrossed.

M^r Leonard from the Committee to whom the Bill Entituled An Act the better to prevent the Concealing of Stray Cattle Horses and Sheep was Referred, Reported the same without Amendment to which the House agreed—Ordered that the said Bill be read a third Time, which was done accordingly.

And on the Question put, whether the said Bill do pass or Not?

It passed in the Affirmative

Resolved that the same do pass

Ordered that the Speaker do Sign the Same

Ordered that Mr Leonard do Acquaint the House of Assembly that the said Bill passed this House this day

The House continued 'till Thursday January 14th 1747.

Present

The Hon James Alexander, James Hude, John Rodman, John Coxe, Richard Smith, Peter Kemble, Robert Hunter Morris & Thomas Leonard } Esqrs

The Engrossed Bill Entituled an Act for Naturalizing Peter Louderbouch, Catharine, Elizabeth, and Barbara his three Daughters was brought in according to the Order of Yesterday

Ordered that the said Bill be read the third Time which was done.

And on the Question whether the said Bill do pass or Not?

It was Carried in the Affirmative

Resolved that the Same do pass

Ordered that the Speaker do Sign the Same

Ordered that Mr Kemble do Carry the said Bill to the House of Assembly for their Concurrence.

Mr Smith from the Committee to whom the Bill Entituled an Act to oblige the several Sherriffs of this Colony of New Jersey to give Security &c was Referred Reported the Same without Amendment to which the House Agreed.

Ordered that the said Bill be read the third Time which was done.

And on the Question whether the said Bill do pass or Not?

It passed in the Affirmative.

Resolved that the same do pass.

Ordered that the Speaker Do Sign the Same

Ordered that Mr Smith do Acquaint the House of Assembly that the said Bill passed this House this Day.

The House continued 'till Friday January 15th 1747.

Present

The Hon^{ble}	James Alexander	James Hude	Esq^{rs}
	John Rodman	John Coxe	
	Richard Smith	Peter Kemble &	
	Robert Hunter Morris	Thomas Leonard	

M^{r} Kemble Reported that he had Obeyed the Order of Yesterday

M^{r} Smith Reported that he had obeyed the Order of Yesterday.

M^{r} Morris from the Committee to whom the Bill Entituled an Act for running and ascertaining the Line of Partition and Division betwixt this Province of New Jersey and the Province of New York was referred, Reported that the Committee had gone through the said Bill to which they had made several Amendments which he was ready to Report when the House would please to receive the Same.

Ordered that the Report be made immediately.

Whereupon he read the several Amendments in his place and delivered the same in at the Table.

Ordered that they be read a Second time

And the Amendments being read a Second time in their places were Agreed to by the House.

Ordered that the said Bill as Amended be Engrossed.

The House continued 'till Saturday January 16th 1747.

Present

The Hon^{ble}	John Rodman	John Coxe	Esq^{rs}
	Richard Smith	Andrew Johnston	
	Robert Hunter Morris	Peter Kemble &	
	James Hude	Thomas Leonard	

A Message from the House of Assembly by M^{r} Hancock and M^{r} Brick

Jañry 16th 1747 Ordered that M^{r} Hancock and M^{r} Brick do Carry the Bill Entituled an Act for Naturalizing Peter

Londerbouch, Catharine Elizabeth and Barbara his three Daughters to the Council and Acquaint them that this House have passed the Same this Day

By Order of the House

THO^{s} BARTOW Cl

M^{r} Coxe from the Committee to whom the Bill Entituled An Act for Punishing the Coiners and Counterfeiters of Foreign Coin passing Current and the Counterfeiters of Bills of Credit of this Province and for the better Discovering the Offenders was Referred, Reported that the Committee had gone thro' the same to which they had made several Amendments which he was ready to Report when the House would Please to receive the Same.

Ordered that the Report be made Immediately.

Whereupon he Read the several Amendments in his Place and Delivered the Same in at the Table.

Ordered that they be Read a Second time.

And the Amendments being Read a Second time in their Places were Agreed to by the House.

Ordered that the said Bill as Amended be Engrossed.

The Engrossed Bill Entituled an Act for running and Ascertaining the Line of Partition and Division betwixt this Province of New Jersey and Province of New York being brought in according to the Order of Yesterday.

Ordered that the said Bill be Read the third Time which was Done.

And on the Question whether the said Bill do pass or Not?

It was Carried in the Affirmative

Resolved that the same do pass.

Ordered that the Speaker do Sign the Same.

Ordered that M^{r} Morris do Carry the said Bill to the House of Assembly for their Concurrence.

The House continued 'till Monday January 18th 1747.

Present

The Hon^{ble}	James Alexander	Andrew Johnston	Esq^{rs}
	John Rodman	Peter Kemble	
	Richard Smith	and	
	James Hude	Thomas Leonard	

The Bill Entituled an Act for Erecting the Southern parts of the County of Salem in New Jersey into a Separate County being Re-ingrossed with the Amendments made thereto by this House and sent up by the House of Assembly on the thirteenth Instant Ordered that the said Bill be Compared, which being done Accordingly

Ordered that the Speaker do Sign the Same.

The House continued 'till Tuesday January 19th 1747.

Present

The Hon^{ble}	James Alexander	Andrew Johnston	Esq^{rs}
	John Rodman	Peter Kemble	
	Richard Smith	and	
	James Hude	Thomas Leonard	

M^{r} Leonard from the Committee to whom the Bill Entituled An Act to Enable the Legislature to Settle the several Quotas of the several Counties &^{c} was referred Reported that the Committee had gone thro' the Same and had made one Amendment to the Title and several Amendments to the Bill which he Read in their Places and Delivered the Same in at the Table.

Ordered that the said Amendments be Read a Second time.

The Amendments being Read a Second time were Agreed to by the House and Ordered to be Engrossed

M^{r} Morris from the Committee appointed to join a Committee of the House of Assembly to Consider in a free Conference of Ways and Means for Suppressing the Riots and present Disorders in this Colony Reported that the Committees mett at the Time and Place appointed and had Come to some Conclusion and Agreement Which he was ready to

Report when the House will please to Receive the same. Ordered that the Report be made Immediately.

The House continued 'till 3 o'clock, P. M.

Present

The Hon^{ble}	James Alexander	Andrew Johnston	Esq^{rs}
	John Rodman	Peter Kemble	
	Richard Smith	and	
	James Hude	Thomas Leonard	

His Excellency came into Council and by the Secretary having Commanded the Attendance of the House of Assembly, they Attended When his Excellency was pleased to give His Assent to the Six following Bills (Viz^{t})

1st An Act to Continue an Act for Better Settling and Regulating the Militia of this Colony of New Jersey for the repelling Invasions and Suppressing Insurrections and Rebellions.

2^{d} An Act for Erecting the Southern parts of the County of Salem in New Jersey into a Separate County, and Ascertaining the Boundaries of the several Precincts therein.

3^{d} An Act the better to Prevent the Concealing of Stray Cattle Horses and Sheep.

4th An Act to Impower Sundry of the Inhabitants of the Counties of Burlington and Gloucester and others to Erect and Build a Draw or Swinging Bridge over Coopers Creek in the said County of Gloucester and for Appointing Commissioners to lay out a more Direct Road from Burlington over the said Bridge to Cooper's Ferries.

5th An Act to Oblige the several Sherriffs of this Colony of New Jersey to give Security take the Oaths or Affirmations therein Directed for the due Discharge of their Offices and to prevent their too long Continuance therein

6th An Act for Naturalizing Peter Londerbouch, Catharine, Elizabeth and Barbara, his three Daughters.

After which His Excellency Spoke to both Houses as follows :—

Gentlemen of the Council and of the General Assembly the Last Post Brought me a Letter from Mr Shirley Govern of His Majesty's Province of the massachusetts Bay, with The Result of Commissioners appointed From that Government, New York and Conecticut, Respecting An Expedition to be undertaken against Crown point, which Letter and the papers it enclosed, the Secretary will lay Before you—and I Earnestly Recommend your joining with those Provinces in this Important Enterprize, which if it pleases god to Succeed, may in its Consequences Greatly Contribute to the future Safety, peace and prosperity of this and of all his Majesty's Provinces in North America And in your Deliberations on this matter you will find it Requires all possible Dispatch.

Gentlemen I am glad to understand a Committee of his Majesty's Council and of the House of General Assembly have met once and again, upon what I Early Recommended to you of going Into Some Effectual Measures for Suppressing the Tumults Raised by a Number of Rioters, who have Lately Reported[1] Their Bold and Daring attempts to throw of their alleigiance To the King and have treated The wholesome Laws of the Province with the greatest Contempt, and if those things still go on, they must soon Subvert the Government and Bring this People into a State of Anarchy and Confusion, But I hope we shall as one man Be so alarmed, as to the utmost in our power to Prevent so dredful a Calamity.

I am glad Gentlemen you have agreed in Several Bills for His Majesty's Service and Intrest, and for the Weal of this people and to which I have now given my assent. As this Court[2] has Been Setting Nine Weeks at a great Expence I hope you will with calm[n]ess and unanimity and with all prudent Dispatch Go through Such Necessary Affairs as may Still Remain to Be done in your parts and on mine you will find no delay, that an End may Be put to this Long Sessions which I depend Would Be acceptable to us all.

J. Belcher

[1] Repeated.

[2] The Governor brought this term from Massachusetts, but could never get our Legislature to be popularly called the "General Court."

The House adjourned 'till Wednesday Jan^{r} 20th 1747.

The House Mett.

Present

The Hon^{ble} James Alexander	James Hude	Esq^{rs}
John Rodman	Andrew Johnston	
Richard Smith	Peter Kemble	
Robert Hunter Morris	Thomas Leonard	

The Secretary by the Order of His Excellency Laid Before the House the papers Referred to in his Speech delivered Yesterday which were Read Viz^{t}

The agreement of the Commissioners of Massachusetts New York and Connecticut Governments Dated at New York The 28th 7^{br} 1747.

The Resolves of the Legislature of the Governments of Massachusetts Dated October the 30th 1747.

A Letter from Governour Shirley Dated December 21st 1747 Ordered that M^{r} Leonard do carry to the House of Assembly the papers Referred to in his Excellencys Speech of yesterday and acquaint them that this House Are Willing to join with them in Such Measures as may Be Judged Necessary for this Province to take for the Common Defence of His Majesty's Colonies in this Continent for the annoyance of His Majestys Enemies and for Securing the Fidelity of the Six Nations of Indians and their allies to His Majesty and their Friendship to the English.

The Bill Entituled An Act to Enable the Legislature to Settle the Quotas &^{c} with the Engrossed Amendments made thereto was Read A third time and on the Question put

Resolved that the said Bill with the Amendments made to the Same do pass.

Ordered that the Speaker Sign the Bill and Amendments.

Ordered that M^{r} Leonard do carry the said Bill with the amendments to the House of Assembly and Desire their Concurrence To the amendments

The House continued 'till Thursday Jan^{ry} 21st 1747.

Present

The Hon^{ble}	James Alexander	James Hude	Esq^{rs}
	John Rodman	John Coxe	
	Richard Smith	Peter Kemble	
	Robert Hunter Morris	Thomas Leonard	

M^{r} Leonard Informed the House that agreable to the orders of yesterday he had Carried to the House of Assembly the Several Papers Referred to in His Excellency's Last Speech with the Message from this House Relating to the Same and also the Bill Entituled An Act to Enable the Legislature to Settle the Quotas &^{c} with the Amendments made thereto by this House

M^{r} Morris Informed the House that in obediance to their Order of the 16th Instant he had Carry'd to the House of Assembly For their Concurrence the Bill Entituled An Act for Running and Ascertaining the Line of Partition & Division betwixt this province of New Jersey and the Province of New York. A Message from the House of Assembly In the following Words Viz^{t}

Ordered that M^{r} Stelle and M^{r} Cooper do Carry The Bill Entituled An Act to Enable the Legislature To Settle the Quotas of the Several Counties &^{c} with the Amendments *proposed* thereto by the Council and Acquaint The Council that this House doth agree to the first Amendment Respecting the Title and Disagrees to the Second and third and adheres to the Bill in them[1] parts

Jan^{ry} 21st 1747. THO^{s} BARTOW Ck

The House continued P. M.

Present

The Hon^{ble}	James Alexander	John Coxe	Esq^{rs}
	Richard Smith	Peter Kemble &	
	James Hude	Thomas Leonard	

[1] Other?

The Engrossed Bill Entituled An Act for punishing the Coiners and Counterfeiters of foreign coin passing Current And the Counterfeiters of Bills of Credit of this province According to the Order of the 16th of this Instant was Brought In

Ordered that the said Bill Be Read the third time Which was done and on the Question put wether the said Bill do pass or not

It was Carried in the Affirmative

Resolved that the same do pass

Ordered that the Speaker do Sign the Same.

Ordered that Mr Coxe do Carry the said Bill to the House of Assembly for their Concurrence

The House continued till Friday Janr ye 22d 1747.

Present.

The Honble	James Alexander	James Hude	Esqrs
	John Rodman	John Coxe	
	Richard Smith	Andrew Johnston	
	Robert Hunter Morris	Peter Kemble	
		Thomas Leonard	

Mr Coxe Reported that he had obeyed [the] order of yesterday.

The House continued till Saturday Janry ye 23d 1747.

Present

The Honble	James Alexander	John Coxe	Esqrs
	John Rodman	Andrew Johnston	
	Richard Smith	Peter Kemble	
	Robert Hunter Morris	and	
	James Hude	Thomas Leonard	

The House continued till Monday Janry ye 25th 1747.

Present
as above

The House continued till Tuesday Janry ye 26th 1747.

Mr Coxe With Leave brought in a Bill Entituled An Act For avoiding Actions of Slander and for Stay of proceeding For Six months in other Civil Actions against the Said Rioters which Bill was Read the first time and ordered A Second Reading.

Mr Leonard from the Committee to whom the Bill Entituled An Act to Repeal An Act Entituled An Act to Encourage The Direct Importation of Rum from the British plantations in the West Indies and of Such Wines &c Reported The same with Several Amendments which he Read in Their places.

Ordered that the said Amendments be Read A Second time which was done and agreed to by the house

Ordered that the said Amendments be Engrossed

The House continued till Wednesday Janr 27th 1747.

Present

The Honble	James Alexander	James Hude	Esqrs
	John Rodman	John Coxe	
	Richard Smith	Andrew Johnston	
	Robert Hunter Morris	Peter Kemble	
		Thomas Leonard	

The Bill Entituled An Act to Repeal an Act to Encourage The Direct Importation of Rum from the British plantations in the west Indies &c with the Engrossed Amendments being Read A third time

and the Question putt

Resolved that the said Bill as amended do pass.

Ordered that the Speaker do Sign the Same.

Ordered that Mr Leonard do Carry the said Bill With the amendments to the House of Assembly and Desire Their Concurrence to said amendments.

The Bill Entituled An Act for avoiding Actions of Slander and For Stay of Proceeding for Six months in other Civil Actions against The said Rioters was Read A Second

time and Committed to the Gentlemen of the Council or any three of them

M^r^ Leonard Reported that he had obeyed the above order.

The House continued till Thursday Jan^ry^ 28^th^ 1747.

Present

The Hon^ble^	James Alexander	John Coxe	Esq^rs^
	John Rodman	Andrew Johnston	
	Richard Smith	Peter Kemble	
	Robert Hunter Morris	and	
	James Hude	Thomas Leonard	

M^r^ Low and M^r^ Fisher brought up from the House of Assembly The Bill Entituled an Act to Suspend the Execution of an Act Entituled an Act to Encourage the Direct Importation of Rum From the British plantations in the west Indies and of Such Wines as may Lawfully be Imported from the places of their growth product and manufacture into the Eastern Division of New Jersey Re-Engrossed with the amendments made thereto By this House.

Ordered that the said Re-Engrossed Bill be Compared which being done

Ordered that the Speaker Do Sign the same.

The House continued till Friday Jan^r^ 29^th^ 1747.

Present

The Hon^ble^	John Reading	James Hude	Esq^rs^
	James Alexander	John Coxe	
	John Rodman	Andrew Johnston	
	Richard Smith	Peter Kemble	
	Robert H. Morris	Thomas Leonard	

M^r^ Coxe acquainted the House that M^r^ Nevill and M^r^ Stelle from the House of Assembly did yesterday Deliver him a Bill Entituled an Act for the Better Enabling the Judges and Justices of this Colony to Ascertain and Tax Bills of Cost and for making Provision by Law For the payment of

the Services of the Several officers of the Colony and for Preventing the said Officers from Taking Exorbitant Fees, together with an Order to The said two members to bring the said Bill to this House which Bill and message he had Received from Them this House not Setting at the time and he Delivered the same in at the Table.

The Bill aforesaid was Read the first time and ordered A Second Reading.

Mr Nevill and Mr Stelle from the House of Assembly Brought up a Bill Entituled an Act to Revive and Continue the Process and proceedings Lately Depending in the Court of Common Pleas for the County of Middlesex which was Read the first time and Ordered a Second Reading.

Mr Johnston Delivered a petition from the Justices And Grand Jury of the County of Middlesex Setting Forth that the Court of Common Pleas for the said County did not open at amboy on the day appointed For that purpose and praying the aid of the Legislature in that Case which Petition was Read

Mr Secretary Laid before the House a Petition from The Justices and Grand jury of the County of Middlesex Dated the 19th day of Janr Instant Setting forth Reasons why the Act for Preserving of Timber in The Eastern Division of New Jersey &c and the other An Act to Encourage the Direct Importation of Rum &c Into the said Eastern Division may not Be Repeated[1] Which Petition was Read and Referred to the Committee To whom the first mentioned Bill is committed

The House continued till Saturday Janry 30th 1747.

Present

The Honourable John Reading
James Alexander
John Rodman
Richard Smith
James Hude
and
John Coxe
} Esqrs

The Bill Entituled an Act for the Better Enabling the Judges and Justices of this Colony to ascertain and Tax Bills

[1] Repealed.

of Cost &c was Read a Second time and Committed to the Gentlemen of the Council or any three of them

The Bill Entituled an Act to Revive and Continue the Process and Proceedings &c in Middlesex was Read A Second time and Committed as above

The House continued till Tuesday Febr ye 2d 1747.

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	Andrew Johnston	
	Richard Smith	and	
	Robert Hunter Morris	Thomas Leonard	

Mr Alexander from the Committee to whom the Bill Entituled an Act to Revive and Continue the Process and proceedings Lately Depending in the Court of Common pleas for the County of Middlesex was Referred Reported the same without amendment

Ordered that the said Bill be Read A third time The Bill Entituled an Act to Revive and Continue The Process and Proceedings Lately Depending in The Court of Common Pleas for the County of Middlesex being Read a third time

And the Question putt Wether the said Bill do pass or not

It passed in the affirmative

Resolved that the said Bill do pass.

Ordered that the Speaker do Sign the Same

Ordered that Mr Alexander do acquaint the House of Assembly that the said Bill passed this House this Day.

Mr Alexander from the Committee to whom the Bill Entituled An Act for the Better Enabling the Judges and Justices of this Colony to ascertain and Tax Bills of Costs and for making Provision by Law for the payment of the Services of the Several officers of the Colony and For Preventing the said officers from taking Exorbitant Fees was Referred Reported that the Committee had Gone through the Same to which they had made An Amendment which he was

Ready to Report when the House Would be pleased to Receive the Same.

Ordered that the Report be made immediately

Whereupon he Read the Amendment in his place and Delivered the same in at the Table.

Ordered that the amendment be Read A Second time And the amendment being Read a Second time in its place Was agreed to by the House and ordered to be Engrossed.

The House Continued till Wednesday Febr 3d 1747.

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	Andrew Johnston	
	Richard Smith	Thomas Leonard	

Ordered that the Act Entituled an Act for the Better Enabling &c with the Engrossed amendment thereto Be Read A third time.

Which being done and the Question putt

Resolved that the said Bill as amended do pass.

Ordered that the Speaker do Sign the same

Ordered that Mr Alexander do Carry the said Bill With the amendment to the House of Assembly and inform Them that this House have passed the Same and Disire Their Concurrence to the Amendment

The House continued till Thursday Febr 4th 1747.

Present

The Honble	James Alexander	John Coxe	Esqrs
	John Rodman	Andrew Johnston	
	Richard Smith	and	
	James Hude	Thomas Leonard	

Mr Alexander Reported that he had delivered the message of Tuesday Last and the Bill and message with which He was yesterday Charged to the Speaker of the Assembly— That House not Setting

Mr Leonard from the Committees to whom the Bill Entituled an Act to Repeal part of an Act Entituled an Act for preserving of Timber in the Eastern Division of the Colony of New Jersey &c was Referred Reported The Same with Several Amendments thereto which he Read in their places and Delivered the same in at the Table.

Ordered that the said Amendments be Read A Second Time

And the amendments being Read A Second time In their places were agreed to by the House and ordered to be Engrossed

A Message from the House of Assembly by Mr Nevill and Mr Low Febr ye 4th 1747

Ordered that Mr Nevill and Mr Low do Carry The Bill Entituled an Act for the Better Enabling the Judges and Justices of this Colony to ascertain and Tax Bills of Cost &c to the Council and inform them that this House having agreed to their amendment and the same being Engrossed in its place in the Bill have passed The same is[1] now Engrossed

THO. BARTOW Ck

Ordered that the said Bill be Compared which Being done

Ordered that the Speaker do Sign the same

The House continued till Friday Febr 5th 1747.

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	Andrew Johnson	
	Richard Smith	Thomas Leonard	

The Bill Entituled An Act to Repeal part of An Act Entituled An Act for Preserving of Timber in the Eastern Division of the Colony of New Jersey &c with the Engrossed Amendments was Read A third time.

And on the Question putt whether the Same Shall pass or Not.

[1] As.

It was Carried in the Affirmative

Resolved that the same so amended do pass.

Ordered that the Speaker do Sign the Same

Ordered that Mr Leonard do Carry the said Bill with The Amendments to the House of Assembly and inform them that this House have passed the Same and Desire their Concurrence to the said Amendments.

The House continued till Saturday Febr 6th 1747.

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	Andrew Johnston	
	Richard Smith	and	
	Robert Hunter Morris	Thomas Leonard	

Mr Mott and Mr Embly from the House of Assembly brought up the Bill Entituled an Act to vacate A Charter Granted To the Township of Trenton Hopewell and Maidenhead In the County of Hunterdon and part of the Township of Nottingham in the County of Burlington[1]

Mr Leonard Reported that he had obeyed the order of Yesterday

The House continued till Monday Febr ye 8th 1747.

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	Andrew Johnston	
	Richard Smith	and	
	Robert Hunter Morris	Thomas Leonard	

Mr Kearney and Mr Cooper from the House of Assembly Brought Back to this House the Bill Entituled An Act for

[1] These townships had been incorporated September 6th, 1746, by charter granted by Governor Morris, as the "borough and town of Trenton."—*Liber AAA of Commissions*, Secretary of State's Office, Trenton, p. 266. In April, 1750, the members of the corporation surrendered the charter, "which by experience has been found not to answer the good and salutary purposes of his late Excellency."—*Ib., 306; Proceedings N. J. Historical Society*, January, 1887, 157–8.

Running and ascertaining the Line of Partition and Division Betwixt this Province of New Jersey and the Province of New York with the amendments made Thereto by the House of Assembly which Being thrice Read were agreed to by the House and ordered to be Re Engrossed As Amended

The Bill Entituled an Act to Vacate A Charter Granted To the Townships of Trenton &c was Read the first time and Ordered A Second Reading

Ordered the Clerk of this House do acquaint Some one of the Agents or Solicitors for the said Bill that This House Desires to Be attended on Wednesday next at Ten o'Clock in the morning With an Authentick Copy of the Charter proposed to be Vacated by the said Bill and also With Some Precedents of Acts of Parliament which have Vacated Charters of Incorporation if any Such have been And to Satisfy this House why the ordinary Methods at Law to Vacate the said Charter are Departed from in This Case.

The House continued till Tuesday Febr 9th 1747.

Present

The Honble John Reading	Robert Hunter Morris	}	Esqrs
James Alexander	James Hude		
John Rodman	John Coxe &		
Richard Smith	Andrew Johnston		

Mr Secretary Reported that he had Communicated the Order of yesterday to Mr Emley and Mr Mott the members For the County of Hunterdon who brought up the Bill Entituled an Act to Vacate a Charter granted to the Townships of Trenton &c to this House that the Latter (having Read the Copy of the Order) Gave him for Answer that he Could Not Send it to Trenton time Enough for the persons Concerned to attend upon which he informed the said mott That he doubted Not but a further day would be granted by This House on application, Mr Mott then Delivered to him An Authentick Copy of the Charter of the Borough of Trenton Which he Desired might be Laid Before this House.

Mr Morris from the Committee appointed to join A Committee of the House of Assembly to inspect the Treasurers Accounts Reported that the Committees had gone through The same and was Ready to make Report thereof When the House would please to Receive the same

Ordered that the Report be made immediately.

The Committees appointed to Examine the Treasurers Accounts having carefully Examined the Same do Agree that Robert Hunter Morris Esqr from the said Committees do make the following Report to the Council Contained in the following Account.

Dr John Allen Esqr Treasurer of the Western Division Cr of the Province of New Jersey.

To Arrearages in Burlington County as the Same was Reported at last Settlement in the Year 1744	18	8	11		
To Sundry Deficiencies in the Interest money of the first 40,000 as was Reported at last Settlement in the year 1744 in the Counties following Vizt					
Burlington	13	7	2¼		
Cape May	4		7¾		
	13	11	10		
				32	0 9
To Balance remaining due in his Hands at last Settlement in the year 1744				1392	13 3
To interest money payable from the Western Counties for the 20,000 in the Years 1745, 1746, & 1747 Vizt					
Burlington	£131	16	3		
Gloucester	89	5	0		
Salem	154	5	6		
Hunterdon	73	10	0		
Cape May	29	18	6		
				478	15 3

By a Deficiency at last Settlement in the County of Burlington still unpaid	18	8	11		
By Sundry Deficiencies in the Interest of the first 40,000 still unpaid by the several Counties following Vizt					
Burlington	13	7	2¼		
Cape May	4		7¾		
				32	0 9
By sundry Warrants and Receipts produced and Endorsed by Order of the Committees as accounted for and Examined amounting in the whole to				2381	14 6
By Cash paid to Capts Dagworthy and Ware for Bounty money				1200	0 0
By Subsistance money paid said Captains				242	0 3
By Cash paid Stephen Williams and Joseph Scattergood two of the Commissioners for Victualing and Transporting the Forces				555	3 3

To interest money payable from the Western Counties for the 40,000 in the years 1745, 1746 and 1747 Vizt				By a Deficiency in the Western Commissioners hands...	7 ,, 1 ,, 5
Burlington	624 ,, 12 ,, 6			Ballance in the Treasurers hands...	2176 ,, 19 ,, 8
Gloucester	430 ,, 1 ,, 3				
Salem	729 ,, 11 ,, 6			The said Treasurer prays allowance for Exchanging the sum of £510 ,, 0 ,, 0 of Ragged Bills whilst the Law for allowing 2½ ℔ Cent was in force which the Committees are of Opinion ought to be allowed when a Warrant is produced for the same £12 ., 15 ,, 0	
Cape May	152 ,, 8 ,, 0				
Hunterdon	365 ,, 10 ,, 0				
		2302 ,, 3 ,, 3			
To Cash received from Isaac De Cow one of the Signers of the Bills dated 1737 being part of the £4,000 Ordered to be Signed for Victualing the Forces by Act passed in 1746		1997 ,, 3 ,, 6			
To Cash repaid to the said Treasurer ℔ his Account by the Commissioners for Victualing the Forces ℔ Order of the House of Assembly in part		385 ,, 2 ,, 5			
To a Deficiency of the Sum Ordered to be repaid		7 ,, 1 ,, 5			
		£6594 ,, 19 ,, 10			£6594 ,, 19 ,, 10

To Cash received of Isaac De Cow one of the Signers of the Bills of Credit made Current by Act in 1746 lent the Crown for Arming and Cloathing the Forces		5000 ,, — ,, —		By Cash delivered the Commissioners for Arming and Cloathing the Forces as by Account Examined by the Committees Appears	4828 ,, 0 ,, 6
To Cash Ordered by the House of Assembly to be returned to the said Treasurer by the Western Commissioners for Arming and Cloathing the Forces (which is not Yet done)		132 ,, 18 ,, —		By Cash in the hands of the Western Commissioners	132 ,, 18 ,, —
				Ballance in the said Treasurers hands	171 ,, 19 ,, 6
		£5132 ,, 18 ,, —			£5132 ,, 18 ,, 0

To Bills of Credit remaining in said Treasurers hands as Reported at last Settlement in 1744 the Sum of £253 „ 8 „ 9½ which said Sum of £253 „ 8 „ 9½ The Committees do find to be part of a Sum which upon the Report of the Committees of both Houses in 1730, was Ordered to be Exchanged for Bills dated in 1724 which were to be Cancelled and destroyed, but the Committees are Informed the Treasurer after some Time refused to Exchange such Bills by Virtue of that Order, by means whereof some of those Bills dated in 1724 remain Yet to be Exchanged; They are therefore humbly of Opinion, That it would be for the Honour and Credit of the Province, that Provision be made as soon as Conveniently may be to Enable the said Treasurer to Exchange such of the said Bills Dated in 1724, as are still outstanding for the Bills now Current, And to that End, That publick Notice be given in the News papers of Philadelphia and New York that all persons possessed of any of the said Bills are desired to send them to the aforesaid Treasurer, or to the Treasurer of the Western Division for the Time being, who shall give a Receipt for such Bills in Order that he may lay them before the General Assembly at their next Session to be Examined, to the End provision may then be made for Exchanging the same.

By order of the Committees

Robt H. Morris Ch.
Jos: Cooper.

The said Committees being also appointed to Inspect and Burn the Cancelled Bills of Credit Agree that Robert Hunter Morris Esqr make the following Report to the Council Vizt

That there should have been cancelled in Bills of Credit and Brought into the Treasury of the Western Division from the several Counties therein of the £20,000 in the years 1745 1746 & 1747 and of the £40,000 in the years 1746 and 1747 as follows Vizt

Burlington	...Of the 20,000 in Each Year.....	308 ,, 15 ,, 0 is	926 ,, 5 ,, 0	
	of the 40,000.....	617 ,, 10 ,, 0	1235 ,, 0 ,, 0	
				2161 ,, 5 ,, 0
Gloucester	....of the 20,000 in Each Year.....	214 ,, 7 ,, 6	643 ,, 2 ,, 6	
	of the 40,000.....	428 ,, 15 ,, 0	857 ,, 10 ,, 0	
	A Deficiency reported in 1744.....		34 ,, 10 ,, 0	
				1535 ,, 2 ,, 6
Salem	.....of the 20,000 in each Year.....	360 ,, 5 ,, 0	1080 ,, 15 ,, 0	
	of the 40,000.....	720 ,, 10 ,, 0	1441 ,, 10 ,, 0	
	A Deficiency reported in 1744.....		47 ,, 1 ,, 6	
				2568 ,, 16 ,, 6
Cape May	.....Of the 20,000 in Each Year.....	78 ,, 0 ,, 0	234 ,, 0 ,, 0	
	Of the 40,000.....	156 ,, 0 ,, 0	312 ,, 0 ,, 0	
				546 ,, 0 ,, 0
Hunterdon	...Of the 20,000 in Each Year.....	185 ,, 0 ,, 0	555 ,, 0 ,, 0	
	Of the 40,000.....	370 ,, 0 ,, 0	740 ,, 0 ,, 0	
				1295 ,, 0 ,, 0
				£8106 ,, 4 ,, 0

That the said Treasurer laid before the Committees 38 Bundles of Cancelled Bills which were Examined and Burnt by them, and brought into the Treasury from the several Counties as follows Viz[t]

Burlington	3 Bundles containing.....	2161 ,, 5 ,, 0	
Gloucester	7	1535 ,, 2 ,, 6	
Salem	16	1487 ,, 10 ,, 0	
Cape May	3	546 ,, 0 ,, 0	
Hunterdon	9	1292 ,, 13 ,, 0	
			7022 ,, 10 ,, 6
By which it appears that Salem			
is Deficient.....		1086 ,, 6 ,, 6	
Hunterdon		2 ,, 7 ,, 0	
			1083 ,, 13 ,, 6
			£8106 ,, 4 ,, 0

That the said Treasurer also laid before the Committees one Bundle of Cancelled Ragged and Torn Bills received by him in Exchange for New Bills which Ragged Bills were Examined and Burnt by the Committees amounting to £1311 ,, 0 ,, 0

By Order of the Committees

Rob[t] H. Morris. Jos: Cooper

The said Committees do further Agree that Robert Hunter Morris Esq[r] from the said Committees do make the following Report to the Council contained in the following Accounts

Dr. Andrew Johnston Esq[r] Treasurer of the Eastern Division of New Jersey. Cr.

Support of Government

To Sundry Arrearages as the same was Reported at last Settlement in 1744 in the following Counties Vizt			
Middlesex	18	18	5¼
Do in 1730	25	0	0
	43	18	5¼
Somerset	18	3	0
	62	1	5¼
To Sundry Deficiencies in the Interest Money as Pr Report at sd Settlement Vizt			
Bergen	21	4	9½
Essex	72	6	5¾
Middlesex	39	12	7¼
	132	3	10¼
To the Ballance remaining in his Hands at last Settlement in 1744	4026	7	11¾
To Interest money Payable from the Eastern Counties for the £20,000 in the years 1745, 1746 and 1747 Vizt			
Bergen	86	5	9
Essex	145	1	9
Middlesex	123	8	3
Monmouth	184	0	3
Somerset	37	17	6
	576	13	6
To Interest money payable from the Eastern Counties for the £40,000 in the Yeers 1745, 1746 And 1747 Vizt			
Bergen	412	8	6
Essex	688	1	6
Middlesex	575	3	6
Monmouth	862	8	3
Somerset	191	5	0
	2729	6	9
To Cash received from Robert Hude Esqr one of the Signers of the Bills of Credit dated in 1737, part of the £4000 Ordered to be Signed for Victualing the Forces by Act Passed in 1746—the Sum of	2000	—	—

By Sundry Deficiencies still outstanding in the following Counties Vizt			
Middlesex	18	18	5¼
Do in 1730	25	—	—
	43	18	5¼
Somerset	18	3	—
	62	1	5¼
By Sundry Deficiencies in the Interest money as Reported in 1744 and still outstanding in the following Counties Vizt			
Bergen	21	4	9½
Essex	72	6	5¾
Middlesex	38	12	7¼
	132	3	10¼
By Sundry Warrants and other Vouchers Produced and Endorsed by the Committees as Accounted for Amounting in the whole to	1194	6	—
By paid Bounty money to Capts Parker, Stevens and Leonard	1800	—	—
By paid said Captains Subsistance money	308	14	9
By paid the Commissioners Appointed for Victualing the Forces	1442	12	1½
By paid Messrs Fisher Eatton and Stelle Commissioners for the second Supply of Provisions	850	—	—
By paid Messrs Eatton and Stelle Comrs			

To Cash received from Samuel Nevill Esqr one of the Signers of the Bills Struck in 1746, for the Second Supply of Provisions for the Forces against Canada	850,,—,,—
To Cash received from Samuel Nevill Esqr one of the Signers of the Bills Struck in 1746 for the third Supply of Provisions for the said Forces	1000,,—,,—
To Cash Repaid to the said Treasurer by Pontius Stelle Esqr one of the Commissioners for Victualing the said Forces pursuant to the Order of the House of Assembly being the Ballance due from the Eastern Comissrs	191,,—,, 8¼
	£11,567,,14,, 2½

To Cash received of Samuel Nevill Esqr one of the Signers of the Bills of Credit made Current by Act in 1746 lent the Crown for Arming and Cloathing the Forces	5000,,—,,—
To Cash received from the Western Treasury by the hands of Samuel Nevill Charles Read and John Low Esqrs Commissioners for Arming and Cloathing the Forces	3475,, 0,, 0
To Cash repaid the said Treasurer by the Eastern Commissioners by Order of the House of Assembly	99,, 2,, 3
To Sundry Remnants of the Cloathing &c with which the said Treasurer chargeth himself	121,,18,, 0
	£8696,, 0,, 3

for the third supply of Provisions	1000,,—,,—
	5401,, 6,,10½
Ballance in the Treasurers hands	4777,,16,, 0½
	£11567,,14,, 2½

The said Treasurer in his Account prays Allowance for £476,,5,,0 paid Subsistance of the five Companies after the day of Muster, which is Provided for by the Support Bill.

The said Treasurer also laid before the Committees a Memorandum of Interest money due from several Counties still Outstanding Viz[t]

Bergen	£142,, 7,, 0
Essex	236,,14,, 5
Monmouth	151,, 0,, 2
Somerset (for which Actions are commenced against the Comissioners)	404,,12,, 9
	£934,,14,,4

With which the said Treasurer is Charged in the above Account

By Cash delivered the Commissioners for Arming and Cloathing the Forces and Retained in his Hands as one of them and accounted for by him and them, as by Account delivered in Examined and allowed of Appears	7750,, 2,, 3
Ballance	945,,18,,—
	£8696,, 0,, 3

By order of the Committees

Rob[t] H. Morris Ch.
Jos: Cooper.

Mr Johnson from the Committee to whom the Bill Entituled An Act to prevent Actions of fifteen pounds and under being Brought into the Supream Court of this Colony Reported The same without Amendment to which the House agreed. Mr Alexander moved for Leave to Bring in a Bill to Remitt the penalties on purchasing Lands of the Indians By persons not authorized.

Ordered that Mr Alexander have Leave accordingly

Mr Alexander according to Leave brought in a Bill Entituled An Act to Remitt the pecuniary penalties Incurred by the past Breaches of the Laws therein mentioned And for the Better Notice and putting in Execution of the Said Laws hereafter.

Which Bill was Read the first time and ordered a Second Reading.

The House continued till 3 o'Clock P. M.

Present

The Honble John Reading, James Hude, James Alexander, John Coxe, Robert Hunter Morris, Andrew Johnson } Esqrs

The Bill Entituled An Act to prevent Actions of fifteen pounds and under being Brought into the Supream Court of this Colony was Read A third time

And on the Question putt Wether the said Bill do pass or not

It was Carried in the affirmative

Resolved that the said Bill do pass.

Ordered that the Speaker do Sign the same.

Ordered that Mr Johnston do acquaint the House of Assembly that the said Bill has passed this House this Day.

Mr Johnston Reported that he had Obeyed the above Order

Mr Nevill and Mr Stelle from the House of assembly brought up the Bill Entituled an Act for Punishing the Coiners and Counterfeiters of forreign Coin &c With Several

Amendments made thereto by the House of Assembly which amendments were Read the first Time

The Engrossed Bill with the Amendments Entituled An Act for Running and Ascertaining the Line of Partition and Division betwixt this Province of New Jersey and the Province of New York was compared

Ordered that the Speaker do Sign the same.

Ordered that M^r^ Morris do acquaint the House of Assembly that this House has agreed to the amendments made by them to the Bill Entituled An Act For Running and Ascertaining the Line of Partition And Division betwixt this Province of New Jersey & The Province of New York.

Ordered also that the said M^r^ Morris do Carry the Said Bill and Amendmemts with the Re-Engrossment Thereof to that House to be Compared and Signed.

The House continued till Wednesday Feb^r^ 10^th^ 1747.

Present

The Hon^ble^ John Reading		Robert H. Morris	Esq^rs^
	James Alexander	James Hude	
	John Rodman	John Coxe	
	Richard Smith	Andrew Johnston	

M^r^ Low and M^r^ Fisher from the House of Assembly brought up the Bill Entituled an Act to Suspend the Execution of Part of an Act Entituled An Act for Preserving of Timber for the Eastern Division of the Colony of New Jersey &^c^ and Acquainted this House that the House of Assembly had Agreed to the amendments made thereto by this [House] And Had Re Engrossed the said Bill with the amendments

Ordered that the said Re Engrossed Bill be Compared Which being done

Ordered that the Speaker do Sign the Same The House taking into Consideration the message from the House of Assembly by M^r^ Stelle and M^r^ Cooper on y^e^ 21^st^ Acquainting this House that the House of Assembly Disagreed To the 2^d^

& 3d Amendment made by this House to the Bill Entituled An Act to Enable the Legislature to Settle the Quotas of the several Counties &c

And on the Question putt

Resolved that this House adheres to the said amendments Then the Question being putt wether A Conference Be Demanded on the Subject matter of the said amendments

It was Carried in the affirmative

Resolved that A Conference be Demanded Accordingly

Ordered that Mr Alexander and Mr Coxe be A Committee for that purpose.

Ordered that Mr Smith do acquaint the House of Assembly that this House adheres to the Second and Third Amendments made by this House to the Bill Entituled An Act to Enable the Legislature to Settle the Quotas of the Several Counties &c and Request A Conference on the Subject matter of the said amendments And acquaint the House of Assembly that this House have appointed Mr Alexander and M Coxe to be A Committee to Confer with Such Committee as The House of Assembly Shall appoint on the said Subject matter and that the Said Committees do Meet for that purpose at the Widow Honlokes at Five o'Clock this after noon.

The Bill Entituled an Act to Remitt the Pecuniary Penalties incurred by the Past Breaches of Laws Therein mentioned and for the Better Notice and Putting in Execution the said Laws hereafter was Read a Second time and Committed to the gentlemen of the Council or any three of them

A Message from the House of Assembly by Mr Kearney and Mr Cooper Febr ye 10th 1747.

Ordered that Mr Kearney and Mr Cooper do Carry The Re Engrossed Bill Entituled An Act for Running and ascertaining The line of Partition and Division Betwixt this Province of New Jersey and the Province of New York to the Council and acquaint them that this house Have Compared the said Bill and that Mr Speaker hath Signed the Same.

Tho. Bartow Ck

A Message from the House of Assembly by Mr Hancock & Mr Fisher

Febr 10th 1747 Ordered that Mr Hancock and Mr Fisher do wait on the Council and Acquaint them that this House do not agree to a Conference on the Subject matter of the Second and third amendments of the Council to the Bill Entituled An Act to Enable the Legislature to Settle the Quotas &c

THO. BARTOW Ck

Mr Morris Reported that he had Obeyed the order of Yesterday.

The House continued till Thursday Febr 11th 1747/8

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	Richard Smith	and	
	Robert Hunter Morris	Andrew Johnston	

Mr Coxe from the Committee to whom the Bill Entituled an Act for avoiding Actions of Slander &c Reported the same with Several amendments which he Read in their places and then Delivered it in at the Table which amendments being twice Read and agreed to by the house

Ordered that the Bill as amended be Engrossed

The House continued till Friday Febr ye 12th 1747/8

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	and	
	Richard Smith	Andrew Johnston	

The Engrossed Bill Entituled an Act for avoiding actions of Slander &c being Brought in.

Ordered that the said Bill be Read a third time which

Being done and the Question putt whether the said Bill Do pass or not

It was Carried in the affirmative

Resolved that the same do pass

Ordered that the Speaker do Sign the Same

Ordered that Mr Coxe do Carry the said Bill to the House of Assembly for their Concurrence

Mr Alexander from the Committee to whom the Bill Entituled an Act to Remitt the pecuniary penalties Incurred &c was Referred Reported the same with Several Amendments which he Read in their places And Delivered the same in at the Table which amendments being twice Read and agreed to by the House ordered that the Bill as amended be Engrossed

The Bill Entituled an Act to Remitt the pecuniary penalties Incurred &c being Engrossed and Brought in.

Ordered that the said Bill be Read a third time

Which Being done and the Question putt whether the said Bill Do pass or Not

It was Carried in the affirmative

Resolved that the said Bill do pass.

Ordered that the Speaker do Sign the Same

Ordered that Mr Coxe do Carry the said Bill to the House of Assembly for their Concurrence

Mr Rodman from the Committee to whom the Bill Entituled An Act for making Current forty thousand pounds in Bills of Credit was Referred Reported the Same with Several Amendments which he Read in their places and Delivered in at the Table.

Which amendments being twice Read and agreed to by the house

Ordered that the said amendments be Engrossed

The Bill Entituled an Act for making Current forty thousand Pounds in Bills of Credit with the Engrossed Amendments Being Read A third time

And the Question putt wether the said Bill as amended Do pass or not.

It was Carried in the affirmative

Resolved that the said Bill as amended do pass

Ordered that the Speaker do Sign the same

Ordered that Mr Rodman do carry the said Bill with the Amendments to the House of Assembly and acquaint them That this House has passed the same and Desire their Concurrence to the said amendments

Mr Coxe Reported that he had obeyed the above order

Mr Rodman Reported that he had obeyed the above order

Mr Secretary Laid before the House a Message from His Excellency the Governour in the following words

Gentlemen

You have now a Bill under your Consideration Entituled An Act for Punishing the Coiners and Counterfeiters of Foreign Coin &c and in which Bill is Comprized a Clause To pardon persons Guilty before the Publication of this Act of forging and Counterfeiting any forreign Coin of gold or Silver passing Current in this province provided Such persons shall Voluntarily Surrender and Deliver Themselves up and Confess what they Know concerning The same and further comply with the Terms of said proviso, I have thought fitt to acquaint you that it will be well pleasing and agreable to me that the Bill should pass Into a Law provided there be Nothing Contained therein That may be Construed to pardon any Species of high Treason

J Belcher

Burlington Febr 11th 1747

Which being Read

Resolved and ordered that a Proviso be added by Way of Amendment to the amendment made to the Said Bill by the House of Assembly that nothing Therein Contained shall Be Construed or understood To pardon any of the Species of high Treason which Was done accordingly and the amendment being Engrossed and the Question putt whether the house Agrees to the amendment of the House of Assembly As amended

Resolved that the House do agree to the said Amendment As amended

Ordered that the Speaker do Sign the same

Ordered that Mr Smith do Carry to the House of Assembly The Bill Entituled an Act for punishing the Coiners and Counterfeiters of forreign Coin &c with the amendment made thereto by the House of Assembly and acquaint Them that this House have made one amendment to Their Amendment and agreed to their amendment So amended.

Ordered also that Mr Smith do Carry to the House of Assembly His Excellency's Message Relating to the Sd Bill.

The House continued till 3 o'Clock P. M.

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	and	
	Richard Smith	Andrew Johnston	

A Message from the House of Assembly by Mr Cooper And Mr Crane

Febr ye 12th 1747 Ordered that Mr Cooper and Mr Crane Do Carry the Bill Entituled an Act for making Current Forty thousand pounds in Bills of Credit to the Council And Acquaint Them that their Amendments being Agreed to by this House the said Bill Re-Engrossed as Amended is passed by this House

Tho Bartow Ck

Ordered that the said Bill be Compared which Being Done

Ordered that the Speaker do Sign the Same

The House continued till Saturday Febr 13th 1747.

Present

The Honble	John Reading	Robert H. Morris	Esqrs
	James Alexander	James Hude	
	John Rodman	John Coxe &	
	Richard Smith	Thomas Leonard	

The House took into Consideration the Bill Entituled An Act to Vacate a Charter granted to the Township of Trenton &c And tho' it appears by the Report of The Secretary made on Wednesday Last that the Order of this House made on monday Last was Shewed to Mr Emley and Mr Mott who Brought up the Bill and tho' it appears that he acquainted Mr Mott that he Doubted not a further day would Be granted by this house upon application yet no Person has attended this house Either to Require Longer time or to Comply with the Said order of Monday Last by Shewing Precedents of Acts of Parliament which have Vacated Charters of Incorporation And as this House cannot Recollect any Such Precedents and Believes there are None and as the parties Said to be aggrieved if they have Rece'd Any Injury may apply to the ordinary methods of the Law For Redress This House are of opinion that Vacating the Charter by Act is an Extraordinary & unprecedented Step And tends in its Nature to alter Tryals by jury and Subvert the Laws of the Land

And the Question was put whether the said Bill Be Read A Second time

It passed in the Negative

Resolved Nemine Contradicente that the said Bill Be Rejected

The House continued till 3°Clock P. M

Present

The Honourable John Reading, James Hude, James Alexander, John Coxe & Richard Smith, Thomas Leonard } Esqrs

Mr Stelle and Mr Hancock from the House of Assembly Brought up the Bill Entituled An Act for Suppressing and Preventing of Riots Tumults & other disorders within this Colony Which Bill was Read the first time and ordered a Second Reading

A Message from the House of Assembly by Mr Stelle And Mr Hancock Febr ye 13th 1747/8.

Ordered that Mr Stelle and Mr Hancock do Carry To the Council the Bill for Punishing the Coiners and Counterfeiters of forreign Coin &c with the Amendments &c & Acquaint them that this House has passed the said Bill Engrossed with the amendments agreed to by both Houses Also the Bill for avoiding Actions of Slander & For Stay of Proceedings &c with the amendments made Thereto by this House and Desire their Concurrence to the said Amendments

THO. BARTOW Ck

The amendments of the House of Assembly to the Bill Entituled an Act for avoiding Actions of Slander and For Stay of proceedings &c being twice Read were Ordered to be Engrossed

Mr Coxe Reported that the Committee to whom the Message from the Assembly to the Council on the 1st day of Janry Last Sent by Mr Daniel Smith and Mr Hopkins in Answer to the Councils Message of the 31st December last Requesting the Several accounts mentioned in ye Bill For Support of Government with the Vouchers of the Articles thereof was Referred having taken the said Message into Consideration are of opinion that the Council have an undoubted Right power and authority By Virtue of His Majestys Letters patent to propose alter or amend a Money Bill of any kind or Sort Whatsoever but more particularly this Bill to which The Message has Relation it being only an application of money already given to His Majesty by former Laws of this Province And by them expressly Left To the future Disposition of the Governour Council and General Assembly and Consequently not two Branches of the Legislature can Dispose of it without the third and The Committee are also of opinion that the Council has an Unquestionable Right to have Laid Before them for their Information and Consideration all papers accounts and Vouchers that any way Concern or Relates to any Sums of Money Disposed of or to be paid by the said Bill or any other Bill whatsoever and in those opin-

ions the Committees are Strongly Supported & Confirmed by two Letters From the Lords of Trade the one Dated at white hall march The 7th 1739 and the other Dated at White Hall August ye 20th 1741 One of which Letters is already Entered and the other is proposed to be Entered in the Minutes of Council

Nevertheless the Committee further taking into Consideration the unhappy Circumstances of this Province and Imagining that to preserve and Cultivate a good understanding And agreement so necessary to be kept up between the Several Branches of the Legislature is the most Likely and Effectual Way to Restore the peace of the Province do Conceive it would Be by no Means prudent or Convenient at this Juncture to insist Upon this point Especially Since the Committee have Reason To Believe from former Experiments of the Like Kind being made Without Success that it would only lead the two houses into Disputes which at this time might be very Prejudicial and Almost fatal to the Interest of this province The Committee are Therefore further of Opinion that it will greatly Conduce to the Welfare and happiness of this Colony to Decline Exerting this Their known Right and Priviledge till Some more favourable Season And opertunity shall offer Declaring at the same time that this Their Condesention Shall not be Brought into a precedent Which Report is agreed to by the House.

Ordered that an Extract of the Letter Dated the 20th Augt Mentioned in the above Report to be Entered in the Minutes of This House

Whitehall August 20th 1741

Sir

We are Concerned to find that notwithstanding what we said in Our Last to you which you tell us you Communicated to the Assembly and notwithstanding all your own Endeavours to the Contrary, they Still persist in their obstanacy of Refusing to Let the Council Amend money Bills to which they have an Undoubted Right according to His Majesty's Determination Upon A Like dispute in the Island of Jamaica.

We Commend Your Zeal in the Steps you have already taken and must Desire you will on all occasions continue the same Vigorous opposition to Such unwarrantable Pretensions.

We are your Very Loving Friends And humble Servants

To M Bluden
R. Plumer
The Honourable Lewis Morris Esq[r] B. Beene
Governor of New Jersey. Ja. Brudenell

The House continued till Monday Feb[r] 15[th] 1747/8.

Present

The Hon[ble] John Reading, James Hude, James Alexander, Andrew Johnston, John Rodman and Richard Smith, Thomas Leonard } Esq[rs]

The Bill Entituled an Act for Suppressing and preventing of Riots Tumults and other Disorders within this Colony was Read A Second time and Committed to the Gentlemen of the Council Or any three of them.

The Engrossed Bill with the amendments Entituled an Act for Avoiding Actions of Slander and for Stay of Proceedings &[c] Being Compared.

Ordered that the Speaker do Sign the Same

Ordered that M[r] Leonard do acquaint the House of Assembly that this house has agreed to the amendments made By them to the Bill Entituled An Act for avoiding Actions of Slander and for Stay of Proceedings &[c]

Ordered also that M[r] Leonard do Carry the said Bill & Amendments with the Engrossment thereof to that house to be Compared and Signed.

The House continued till 3[o]Clock P. M.

Present

The Hon[ble] John Reading, James Hude, James Alexander, Andrew Johnston, John Rodman and Rich[d] Smith, Thomas Leonard } Esq[rs]

Mr Johnston from the Committee to whom the Bill Entituled An Act for Suppressing and preventing of Riots Tumults and other Disorders within this Colony Was Referred Reported the Same without amendment.

Ordered that the said Bill Be Read a third time which being done And the Question put whether the said Bill do pass or not

It was Carried in the Affirmative

Resolved that the same do pass

Ordered that the Speaker do Sign the Same

Ordered that Mr Johnston do acquaint the house of assembly that the above Bill passed this House this Day

Mr Leonard Reported that he had obeyed the above order

Mr Johnston Reported that he had obeyed the above order

The House continued till Tuesday Febr 16th 1747.

Present

The Honble	John Reading	James Hude	Esqrs
	James Alexander	John Coxe	
	John Rodman	Andrew Johnston	
	Richd Smith	Thomas Leonard	

Ordered that the Clerk of this house Request from The House of Assembly the papers from N° 1 to N° 57 inclusive Numbered by this House and Sent to them.

Mr Nevill and Mr Cooper brought from the house of Assembly the Bill Entituled an Act for avoiding Actions of Slander &c With an order in the following words.

Febr 15th 1747 Ordered that Mr Nevill and Mr Cooper do Carry Back to the Council the Bill Entituled An Act for avoiding Actions of Slander &c and acquaint them that the Bill Engrossed With the Amendments hath been Compared in the House and that Mr Speaker hath Signed the same

The Bill Entituled an Act for punishing the Coiners and Counterfeiters of forreign Coin passing Current and the Counterfeiters of Bills of Credit of this province being Compared

Ordered that the Speaker do Sign the Same

The House continued till Wednesday Febr 17th 1747

Present

The Honble	John Reading	James Hude	Esqrs.
	James Alexander	John Coxe	
	John Rodman	Andrew Johnston	
	Richd Smith	Thomas Leonard	

Mr Secretary Reported that he had Received from the Clerk of Assembly all those papers Except No pursuant to ye above order.

Mr Hude from the Committee to whom the Bill Entituled An Act for the Support of Government of His Majesty's Colony of New Jersey for one year &c was Referred Reported The Same without amendment and also farther Reported That the Committees have with great Concern Observed that No provision is made by the said Bill for the payment of the Arrears of the Late Governours Salary from the 23rd of 7br 1744 To the Day of his Death and that they do find by the Votes of the Assembly that it was no Accidental omission but purposely left out but that yet such is the Circumstances of the province that they thought it would not be prudent to amend the Bill in that point at this time nor Reject it for that Defect but humbly propose that it be Resolved by This House that the said Arrears of Salary is a Debt justly due From the province to the Executors of the said Late Govr Which Report is agreed to by this House.

Resolved that the Arrears of Salary due to the Late Governour His Excellency Lewis Morris Esqr from ye 23d of 7br 1744 to the Day of his Death is a debt justly due from this province payable to His Executors

Ordered that the said Bill be Read a third time which was Done and the Question put whether the said Bill do pass or Not

It was Carried in the Affirmative

Resolved that the same do pass

Ordered that the Speaker do Sign the Same

Ordered that Mr Hude do acquaint the House of Assembly that the said Bill passed this House this Day without Amendment

Mr Hude Reported that he had obeyed the above order.

The Secretary from his Excellency laid before this house a Bill by him passed Entituled an Act to pardon the persons Guilty of the Insurrections Riots and Disorders Raised and Committed in this province

which Bill being once Read is thankfully accepted

Ordered that the Speaker do Sign the Acceptance thereof Which Being done the same was Redelivered to the Secretary to be Carried to the House of Assembly

A Message from the House of Assembly by Mr Cooper and Mr Spicer

Febr ye 17, 1747.

Ordered that Mr Cooper and Mr Spicer Wait on the Council and Inform them that on Inspecting the Treasurer's Accts Reported in 1742 it appears that the Sum of two hundred Fifty three pounds Eight Shillings and 6d is charged to John Allen Esqr Treasurer of the Western Division included in the Ballance of his account which sum is part of £4000 Remaining in his hands For Exchanging Bills dated in 1742 aud is also included in the Subsequent Ballances of his account altho the said Treasurer is charged at the foot of Those Subsequent accounts in a Separate article with The said Sum

Thos Bartow Ck

The House continued till 3 °Clock P. M.

Present

The Honble John Reading	James Hude	}	Esqrs
James Alexander	John Coxe		
John Rodman	Andrew Johnston		
Richd Smith	Thomas Leonard		

Mr Stelle and Mr Hopkins from the House of Assembly brought up the Bill Entituled an Act to Subject Certain

parcells of Bills of Credit now in the Treasury to the payment of the Support of Government for the Councils Concurrence, which Bill was Read the first time and ordered a Second Reading

The Bill Entituled An Act to Subject Certain parcells of Bills of Credit &c was Read a Second time and Committed to the Gentlemen of the Council or any three of them.

The House continued till Thursday Febr 18th 1747/8

Present

The Honble John Reading
James Alexander, John Coxe, John Rodman and Richd Smith, Thomas Leonard } Esqrs

Mr Leonard from the Committee to whom the Bill Entituled An Act to Subject Certain parcells of Bills of Credit now in The Treasury &c was Referred Reported the same without Amendment.

Ordered that the said Bill be Read a third time which Being done And the Question put whether the said Bill Do pass or Not.

Resolved that the same do pass

Ordered that the Speaker do Sign the Same

Ordered that Mr Leonard Do acquaint the House of Assembly that the said Bill passed this House this day

Mr Leonard Reported that he had obeyed the above order

A Message from the Assembly by Mr Cooper and Mr Emley

Febr 18th 1747

Ordered that Mr Cooper and Mr Emley do Wait on the Council and acquaint them that this House have No Business before them and that if the Council have Likewise None the House propose to apply to His Excellency To put an End to the Session

Tho. Bartow Ck

The House continued till 3 °Clock P. M.

Present
[The Same?]

His Excellency came into Council and by the Secretary Having Commanded the attendance of the House of Representatives he was pleased to give his assent to the Following Bills

An Act for punishing the Coiners and Counterfeiters of forreign Coin passing Current and the Counterfeiters of Bills of Credit of this province

An Act for the Suppressing and preventing of Riots Tumults and other Disorders within this Colony

An Act for the Better Enabling the Judges and Justices of this Colony to ascertain and Tax Bills of Cost and for Making provision by Law for the payment of the Services of the Several officers of the Colony and for preventing The said Officers from taking exorbitant fees

An Act for avoiding Actions of Slander and for Stay of proceedings until the first day of October one thousand Seven Hundred and forty Eight in other Civil Actions against the Late Rioters

An Act for making Current Forty thousand pounds in Bills of Credit.

An Act for Running and ascertaining the Line of partition And Division betwixt this province and the province of Newyork

An Act to Revive and Continue the process of proceedings Lately Depending in the Court of Common pleas for the County of Middlesex

An Act to prevent Actions of fifteen pounds and under Being Brought into the Supreme Court of this Colony

An Act to Suspend the Execution of an Act Entituled an Act to Encourage the Direct Importation of Rum from The British plantations in the West Indies and of Such Wines as

may Lawfully be Imported from the places of their growth product and Manufacture into The Eastern Division of New Jersey

An Act to Suspend the Execution of part of an Act for preserving of Timber in the Eastern Division of the Colony of New Jersey and all sorts of Trees in the Bounds of the patent or Charter of the Township of Bergen That Lyes in Common

An Act to Subject Certain parcells of Bills of Credit now in the Treasury to the payment of the Support of Government and Directing the manner of Sinking The Same

An Act for the Support of the Government of His Majestys Colony of New Jersey for one year to Commence the tenth day of August one thousand seven hundred and forty seven and To End the tenth day of August one thousand seven hundred and forty Eight and to Discharge The publick Debts and The arrearages and Contingent Charges thereof.

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